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1                   A bill to be entitled  
2           An act relating to a review of the Department of  
3           Management Services under the Florida Government  
4           Accountability Act; transferring certain programs and  
5           related trust funds from the department to other state  
6           agencies within the executive branch; authorizing the  
7           Executive Office of the Governor to transfer funds and  
8           positions with the approval of the Legislative Budget  
9           Commission; requesting the interim assistance of the  
10          Division of Statutory Revision to prepare conforming  
11          legislation for the next regular session of the  
12          Legislature; amending ss. 11.917, 14.057, 14.204,  
13          16.615, and 20.04, F.S.; conforming provisions to  
14          changes made by the act; amending s. 20.22, F.S.;  
15          changing the name of the department to the Department  
16          of Personnel Management; conforming provisions to  
17          changes made by the act; amending s. 20.255, F.S.;  
18          providing for an additional deputy secretary within  
19          the Department of Environmental Protection; creating  
20          the Division of Facilities Management and Building  
21          Construction within the department; amending ss.  
22          20.23, 20.331, 20.50, 24.105, 24.120, 29.008, 29.21,  
23          110.1055, 110.107, 110.1099, 110.116, 110.121,  
24          110.1227, 110.1228, 110.123, 110.12312, 110.12315,  
25          110.1232, 110.1234, 110.1245, 110.125, 110.131,  
26          110.151, 110.1522, 110.161, 110.171, 110.181,  
27          110.2035, 110.2037, 110.205, 110.2135, 110.227,  
28          110.403, 110.405, 110.406, 110.503, 110.605, 110.606,  
29          112.0455, 112.05, 112.08, 112.0804, 112.24, 112.3173,

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30 112.31895, 112.352, 112.354, 112.358, 112.361,  
31 112.362, 112.363, 112.63, 112.64, 112.658, 112.661,  
32 112.665, 120.65, 121.021, 121.025, 121.031, 121.051,  
33 121.0511, 121.0515, 121.055, and 121.1815, F.S.;  
34 conforming provisions to changes made by the act;  
35 repealing s. 121.1905, F.S., relating to the creation  
36 of the Division of Retirement; amending ss. 121.192,  
37 121.22, 121.23, 121.24, 121.35, 121.40, 121.4501,  
38 121.4503, 121.591, 121.5911, 121.78, 122.02, 122.09,  
39 122.23, 122.34, 145.19, 154.04, 163.3184, 175.032,  
40 175.1215, 175.361, 185.02, 185.105, 185.37, 189.4035,  
41 189.412, 210.20, 210.75, 213.053, 215.196, 215.22,  
42 215.28, 215.422, 215.425, 215.47, 215.50, 215.94,  
43 215.96, 216.0152, 216.016, 216.023, 216.044, 216.163,  
44 216.237, 216.238, 216.262, 216.292, 217.02, 217.04,  
45 217.045, 238.01, 238.02, 238.03, 238.07, 238.09,  
46 238.10, 238.11, 238.12, 238.15, 238.171, 238.181,  
47 238.32, 250.22, 252.385, 253.034, 253.126, 253.45,  
48 255.02, 255.043, 255.05, 255.0525, 255.248, 255.249,  
49 255.25, 255.25001, 255.252, 255.253, 255.257,  
50 255.2575, 255.259, 255.28, 255.29, 255.30, 255.31,  
51 255.32, 255.45, 255.451, 255.502, 255.503, 255.504,  
52 255.505, 255.506, 255.507, 255.508, 255.509, 255.51,  
53 255.511, 255.513, 255.514, 255.515, 255.517, 255.518,  
54 255.52, 255.521, 255.522, 255.523, 255.555, 265.001,  
55 265.2865, 267.061, 267.0625, 267.075, 270.27, 272.03,  
56 272.04, 272.05, 272.06, 272.07, 272.08, 272.09,  
57 272.12, 272.121, 272.122, 272.124, 272.129, 272.16,  
58 272.161, 272.18, 272.185, 273.055, 281.02, 281.03,

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59 281.06, 281.07, 281.08, 282.0041, 282.205, 282.604,  
60 282.702, 282.703, 282.704, 282.705, 282.706, 282.707,  
61 282.709, 282.7101, 282.711, 283.30, 283.32, 284.01,  
62 284.04, 284.05, 284.08, 284.33, 284.385, 284.42,  
63 285.06, 285.14, 286.29, 287.012, 287.025, 287.032,  
64 287.042, 287.055, 287.057, and 287.05721, F.S.;  
65 conforming provisions to changes made by the act;  
66 repealing s. 287.0573, F.S., relating to the Council  
67 on Efficient Government; amending ss. 287.0574,  
68 287.076, 287.083, and 287.0834, F.S.; conforming  
69 provisions to changes made by the act; amending s.  
70 287.084, F.S.; providing a preference in a competitive  
71 solicitation to vendors within this state under  
72 certain circumstances; amending ss. 287.0943,  
73 287.09451, 287.131, 287.133, 287.134, 287.15, 287.151,  
74 287.155, 287.16, 287.161, 287.17, 287.18, 287.19,  
75 288.021, 288.109, 288.1092, 288.1093, 288.1185,  
76 288.15, 288.17, 288.18, 288.703, 288.706, 288.708,  
77 288.7091, 288.712, 288.901, 295.187, 318.18, 318.21,  
78 320.0802, 320.08056, 321.04, 328.72, 337.02, 337.023,  
79 337.165, 338.2216, 338.227, 350.0614, 350.125,  
80 364.0135, 364.515, 364.516, 365.171, 365.172, 365.173,  
81 373.4596, 373.461, 376.10, 377.703, 381.98, 394.9151,  
82 395.1031, 400.121, 401.013, 401.015, 401.018, 401.021,  
83 401.024, 401.027, 401.245, 402.35, 402.50, 403.061,  
84 403.42, 403.518, 403.5365, 403.7065, 403.714,  
85 403.7145, 403.71852, 406.075, 408.039, 408.910,  
86 413.036, 413.051, 414.37, 429.14, 440.2715, 440.45,  
87 445.009, 447.205, 455.32, 471.038, 489.145, 553.995,

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88 570.07, 627.096, 633.382, 650.02, 760.04, 766.302,  
89 768.1326, 943.03, 943.0311, 943.13, 943.61, 943.66,  
90 943.681, 944.02, 944.10, 944.115, 944.713, 944.72,  
91 944.8041, 945.215, 946.504, 946.515, 946.525, 957.04,  
92 957.06, 957.07, 957.08, 957.14, 957.15, 957.16,  
93 1001.27, 1001.42, 1001.705, 1001.706, 1001.74,  
94 1002.36, 1002.37, 1004.58, 1012.33, 1012.34, 1012.61,  
95 1012.796, 1012.865, 1012.875, 1013.03, 1013.23, s.  
96 1013.30, and 1013.38, F.S.; conforming provision to  
97 changes made by the act; requiring that the Department  
98 of Environmental Protection coordinate the collection  
99 of certain information during the 2010-2011 fiscal  
100 year; requiring that state agencies submit such  
101 information on or before a specified deadline;  
102 requiring that the department submit a plan to  
103 centralize all real estate leasing and facilities  
104 operations and maintenance to the Executive Office of  
105 the Governor and Legislature on or before a specified  
106 date; requiring that such information be included in  
107 each agency's legislative budget request for the 2011-  
108 2012 fiscal year as a transfer to the Department of  
109 Asset Management; creating s. 20.51, F.S.;

110 establishing the Department of Asset Management;  
111 transferring certain divisions and programs in the  
112 Department of Environmental Protection to the  
113 Department of Asset Management; providing effective  
114 dates.

115  
116 WHEREAS, the Florida Government Accountability Act, ss.

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117 11.901-11.920, Florida Statutes, requires the Department of  
118 Management Services to undergo a sunset review by July 1, 2010,  
119 in order to determine whether the agency should be retained,  
120 modified, or abolished, and

121 WHEREAS, in anticipation of that review, the Department of  
122 Management Services produced a report pursuant to s. 11.906,  
123 Florida Statutes, and

124 WHEREAS, upon receipt of that report, the Joint Legislative  
125 Sunset Committee and the Legislative Sunset Review Committees of  
126 the Senate and the House of Representatives reviewed the report  
127 and directed the Office of Program Policy Analysis and  
128 Government Accountability to conduct a review of the department,  
129 and

130 WHEREAS, based on the department's report, the reports  
131 prepared by the Office of Program Policy Analysis and Government  
132 Accountability, and public input, the Legislative Sunset Review  
133 Committees made recommendations on the abolition, continuation,  
134 or reorganization of the Department of Management Services; on  
135 the need for the functions performed by the department; and on  
136 the consolidation, transfer, or reorganization of programs  
137 within the department, NOW, THEREFORE,

138

139 Be It Enacted by the Legislature of the State of Florida:

140

141 Section 1. Type two transfers from the Department of  
142 Management Services.—

143 (1) All powers, duties, functions, records, offices,  
144 personnel, property, pending issues, and existing contracts,  
145 administrative authority, administrative rules, and unexpended

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146 balances of appropriations, allocations, and other funds  
147 relating to the following programs in the Department of  
148 Management Services are transferred by a type two transfer, as  
149 defined in s. 20.06(2), Florida Statutes, as follows:

150 (a) The executive aircraft pool established under s.  
151 287.161, Florida Statutes, is transferred to the Executive  
152 Office of the Governor.

153 (b) The Division of State Purchasing, the Office of  
154 Supplier Diversity, the Fleet Management program, the Federal  
155 Surplus Property Donation Program, and the Bureau of Private  
156 Prison Monitoring are transferred to the Department of Financial  
157 Services.

158 (c) The Facilities Program is transferred to the Department  
159 of Environmental Protection.

160 (d) All programs relating to the delivery of  
161 telecommunications services, including, but not limited to,  
162 SUNCOM, are transferred to the Agency for Enterprise Information  
163 Technology.

164 (e) All programs relating to the delivery of land mobile  
165 radio services, including local public safety radio services,  
166 state public safety radio services, emergency medical services,  
167 and the Florida Interoperability Network, are transferred to the  
168 Department of Law Enforcement.

169 (2) The following trust funds are transferred:

170 (a) From the Department of Management Services to the  
171 Department of Environmental Protection:

172 1. The Architects Incidental Trust Fund, FLAIR number 72-2-  
173 033.

174 2. The Florida Facilities Pool Working Capital Trust Fund,

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175 FLAIR number 72-2-225.

176 3. The Florida Facilities Pool Clearing Trust Fund, FLAIR  
177 number 72-2-313.

178 4. The Public Facilities Finance Trust Fund, FLAIR number  
179 72-2-495.

180 5. The Supervision Trust Fund, FLAIR number 72-2-696.

181 (b) The Bureau of Aircraft Trust Fund, FLAIR number 72-2-  
182 066, is transferred from the Department of Management Services  
183 to the Executive Office of the Governor:

184 (c) From the Department of Management Services to the  
185 Agency for Enterprise Information Technology:

186 1. The Communications Working Capital Trust Fund, FLAIR  
187 number 72-2-105.

188 2. The Working Capital Trust Fund, FLAIR number 72-2-792.

189 (d) From the Department of Management Services to the  
190 Department of Law Enforcement:

191 1. The Law Enforcement Radio Trust Fund, FLAIR number 72-2-  
192 432.

193 2. The Emergency Communications Number E911 System Trust  
194 Fund, FLAIR number 72-2-344.

195 (e) The Surplus Property Revolving Trust Fund, FLAIR number  
196 72-2-699, is transferred From the Department of Management  
197 Services to the Department of Financial Services.

198 Section 2. Notwithstanding ss. 216.292 and 216.351, Florida  
199 Statutes, upon approval by the Legislative Budget Committee, the  
200 Executive Office of the Governor may transfer funds and  
201 positions between agencies to implement this act.

202 Section 3. The Legislature recognizes that there is a need  
203 to conform the Florida Statutes to the policy decisions

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204 reflected in this act and that there is a need to resolve  
205 apparent conflicts between any other legislation that has been  
206 or may be enacted during 2010 and the abolition of the  
207 Department of Management Services, the creation of the  
208 Department of Personnel Management, and the transfer of the  
209 duties of the Department of Management Services to other  
210 agencies made by this act. Therefore, in the interim between  
211 this act becoming law and the 2011 Regular Session of the  
212 Legislature or an earlier special session addressing this issue,  
213 the Division of Statutory Revision shall provide the relevant  
214 substantive committees of the Senate and the House of  
215 Representatives with assistance, upon request, to enable such  
216 committees to prepare draft legislation to conform the Florida  
217 Statutes and any legislation enacted during 2010 to the  
218 provisions of this act.

219 Section 4. Subsection (3) of section 11.917, Florida  
220 Statutes, is amended to read:

221 11.917 Procedure after termination.—

222 (3) ~~(a)~~ If not otherwise provided by law: 7

223 (a) Property in the custody of an abolished state agency or  
224 advisory committee shall be transferred to the Department of  
225 Financial Management Services.

226 ~~(b) If not otherwise provided by law,~~ Records in the  
227 custody of an abolished state agency or advisory committee shall  
228 be transferred to the Department of State.

229 Section 5. Subsection (2) of section 14.057, Florida  
230 Statutes, is amended to read:

231 14.057 Governor-elect; establishment of operating fund.—

232 (2) The Department of Environmental Protection Management

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233 ~~Services~~ shall provide for the Governor-elect, the Governor-  
234 elect's staff, and the inauguration staff temporary office  
235 facilities in the capitol center ~~for the period extending~~ from  
236 the day of the certification of the Governor-elect's election by  
237 the Elections Canvassing Commission to the day of his or her  
238 inauguration.

239 Section 6. Paragraphs (h) and (i) of subsection (4) of  
240 section 14.204, Florida Statutes, are amended to read:

241 14.204 Agency for Enterprise Information Technology.—The  
242 Agency for Enterprise Information Technology is created within  
243 the Executive Office of the Governor.

244 (4) The agency shall have the following duties and  
245 responsibilities:

246 (h) In consultation with the Division of Purchasing in the  
247 Department of Financial Management ~~Services~~, coordinate  
248 procurement negotiations for software that will be used by  
249 multiple agencies.

250 (i) In coordination with, and through the services of, the  
251 Division of Purchasing in the Department of Financial Management  
252 ~~Services~~, develop best practices for technology procurements.

253 Section 7. Paragraph (i) of subsection (1) of section  
254 16.615, Florida Statutes, is amended to read:

255 16.615 Council on the Social Status of Black Men and Boys.—

256 (1) The Council on the Social Status of Black Men and Boys  
257 is established within the Department of Legal Affairs and shall  
258 consist of 19 members appointed as follows:

259 (i) The executive director of the Department of Personnel  
260 Management ~~Secretary of Management Services~~ or a ~~his or her~~  
261 designee.

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262 Section 8. Subsections (3) and (7) of section 20.04,  
263 Florida Statutes, are amended to read:

264 20.04 Structure of executive branch.—The executive branch  
265 of state government is structured as follows:

266 (3) For their internal structure, all departments, except  
267 for the Department of Financial Services, the Department of  
268 Children and Family Services, the Department of Corrections, the  
269 Department of Personnel Management ~~Services~~, the Department of  
270 Revenue, and the Department of Transportation, must adhere to  
271 the following standard terms:

272 (a) The principal unit of the department is the "division."  
273 Each division is headed by a "director."

274 (b) The principal unit of the division is the "bureau."  
275 Each bureau is headed by a "chief."

276 (c) The principal unit of the bureau is the "section." Each  
277 section is headed by an "administrator."

278 (d) If further subdivision is necessary, sections may be  
279 divided into "subsections," which are headed by "supervisors."

280 (7)~~(a)~~ Unless specifically authorized by law, the head of a  
281 department may not reallocate duties and functions specifically  
282 assigned by law to a specific unit of the department.

283 (a) Those functions or agencies assigned generally to the  
284 department without specific designation to a unit of the  
285 department may be allocated and reallocated to a unit of the  
286 department at the discretion of the head of the department.

287 (b) Within the limitations of this subsection, the head of  
288 the department may recommend the establishment of additional  
289 divisions, bureaus, sections, and subsections of the department  
290 to promote efficient and effective operation of the department.

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291 However, additional divisions, or offices in the Department of  
292 Children and Family Services, the Department of Corrections, and  
293 the Department of Transportation, may be established only by  
294 specific statutory enactment.

295 (c) New bureaus, sections, and subsections of departments  
296 may be initiated by a department and established as recommended  
297 by the Department of Personnel Management ~~Services~~ and approved  
298 by the Executive Office of the Governor, or may be established  
299 by specific statutory enactment.

300 (d)~~(e)~~ For the purposes of such recommendations and  
301 approvals, the Department of Personnel Management ~~Services~~ and  
302 the Executive Office of the Governor, respectively, must adopt  
303 and apply specific criteria for assessing the appropriateness of  
304 all reorganization requests from agencies. The criteria must be  
305 applied to future agency requests for reorganization and must be  
306 used to review the appropriateness of bureaus currently in  
307 existence. Any current bureau that does not meet the criteria  
308 for a bureau must be reorganized into a section or other  
309 appropriate unit.

310 Section 9. Section 20.22, Florida Statutes, is amended to  
311 read:

312 20.22 Department of Personnel Management ~~Services~~.—The  
313 ~~There is created a~~ Department of Personnel Management is created  
314 ~~Services~~.

315 (1) The head of the Department of Personnel Management  
316 ~~Services~~ is the Governor and Cabinet, who shall appoint an  
317 executive director ~~the Secretary of Management Services, who~~  
318 ~~shall be appointed by the Governor~~, subject to confirmation by  
319 the Senate, and who shall serve at the pleasure of the Governor

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320 and Cabinet.

321 (2) The following divisions and programs ~~within the~~  
322 ~~Department of Management Services~~ are established within the  
323 department:

324 ~~(a) Facilities Program.~~

325 ~~(b) Technology Program.~~

326 ~~(a)(e)~~ Division of Human Resource Management Workforce  
327 Program.

328 ~~(d)1. Support Program.~~

329 ~~2. Federal Property Assistance Program.~~

330 ~~(e) Administration Program.~~

331 ~~(f) Division of Administrative Hearings.~~

332 ~~(b)(g)~~ Division of Retirement.

333 ~~(c)(h)~~ Division of State Group Insurance.

334 (d) Division of Administrative Hearings, as a separate  
335 budget entity and not subject to the department's control,  
336 supervision, or direction.

337 (3) The duties of the Chief Labor Negotiator shall be  
338 determined by the Governor ~~Secretary of Management Services~~, and  
339 must include, but need not be limited to, the representation of  
340 the Governor as the public employer in collective bargaining  
341 negotiations pursuant to ~~the provisions of~~ chapter 447.

342 Section 10. Subsection (6) of section 20.23, Florida  
343 Statutes, is amended to read:

344 20.23 Department of Transportation.—There is created a  
345 Department of Transportation which shall be a decentralized  
346 agency.

347 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the  
348 Department of Personnel Management may ~~Services is authorized to~~

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349 exempt positions within the Department of Transportation which  
350 are comparable to positions within the Senior Management Service  
351 pursuant to s. 110.205(2)(j) or positions that ~~which~~ are  
352 comparable to positions in the Selected Exempt Service under s.  
353 110.205(2)(m).

354 Section 11. Paragraph (a) of subsection (2) of section  
355 20.255, Florida Statutes, are amended, and paragraph (i) is  
356 added to subsection (3) of that section, to read:

357 20.255 Department of Environmental Protection.—There is  
358 created a Department of Environmental Protection.

359 (2)(a) There shall be four ~~three~~ deputy secretaries who are  
360 to be appointed by and shall serve at the pleasure of the  
361 secretary. The secretary may assign any deputy secretary the  
362 responsibility to supervise, coordinate, and formulate policy  
363 for any division, office, or district. The following special  
364 offices are established and headed by managers, each of whom is  
365 to be appointed by and serve at the pleasure of the secretary:

- 366 1. Office of Chief of Staff;
- 367 2. Office of General Counsel;
- 368 3. Office of Inspector General;
- 369 4. Office of External Affairs;
- 370 5. Office of Legislative Affairs;
- 371 6. Office of Intergovernmental Programs; and
- 372 7. Office of Greenways and Trails.

373  
374 The managers of all divisions and offices specifically named in  
375 this section and the directors of the six administrative  
376 districts are exempt from part II of chapter 110 and are  
377 included in the Senior Management Service in accordance with s.

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378 110.205(2)(j).

379 (3) The following divisions of the Department of  
380 Environmental Protection are established:

381 (i) Division of Facilities Management and Building  
382 Construction.

383

384 In order to ensure statewide and intradepartmental consistency,  
385 the department's divisions shall direct the district offices and  
386 bureaus on matters of interpretation and applicability of the  
387 department's rules and programs.

388 Section 12. Paragraph (c) of subsection (6) of section  
389 20.331, Florida Statutes, is amended to read:

390 20.331 Fish and Wildlife Conservation Commission.—

391 (6) GENERAL PROVISIONS.—

392 (c) Divisions, sections, and offices created by this act  
393 may be abolished only by general law. Additional divisions in  
394 the commission may only be established by general law. New  
395 sections, subsections, and offices of the commission may be  
396 initiated by the commission and established as recommended by  
397 the Department of Personnel Management ~~Services~~ and approved by  
398 the Executive Office of the Governor, or may be established by  
399 general law.

400 Section 13. Section 20.50, Florida Statutes, is amended to  
401 read:

402 20.50 Agency for Workforce Innovation.—~~There is created~~ The  
403 Agency for Workforce Innovation is created within the Department  
404 of Personnel Management ~~Services~~. The agency is ~~shall be~~ a  
405 separate budget entity, as provided in the General  
406 Appropriations Act, ~~and the director of the agency shall be the~~

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407 ~~agency head for all purposes.~~ The head of the agency is the  
408 director of Workforce Innovation, who shall be appointed by the  
409 Governor. The agency ~~is shall~~ not ~~be~~ subject to control,  
410 supervision, or direction by the Department of Personnel  
411 ~~Management Services in any manner,~~ including, but not limited  
412 to, personnel, purchasing, transactions involving real or  
413 personal property, and budgetary matters.

414 (1) The agency ~~for Workforce Innovation~~ shall ensure that  
415 the state appropriately administers federal and state workforce  
416 funding by administering plans and policies of Workforce  
417 Florida, Inc., under contract with Workforce Florida, Inc. The  
418 operating budget and midyear amendments ~~thereto~~ must be part of  
419 such contract.

420 (a) All program and fiscal instructions to regional  
421 workforce boards must ~~shall~~ emanate from the agency pursuant to  
422 plans and policies of Workforce Florida, Inc. Workforce Florida,  
423 Inc., is ~~shall be~~ responsible for all policy directions to the  
424 regional boards.

425 (b) Unless otherwise provided by agreement with Workforce  
426 Florida, Inc., administrative and personnel policies of the  
427 agency ~~for Workforce Innovation shall~~ apply.

428 (2) ~~(a)~~ The agency ~~for Workforce Innovation~~ is the  
429 administrative agency designated for receipt of federal  
430 workforce development grants and other federal funds. The agency  
431 shall administer the duties and responsibilities assigned by the  
432 Governor under each federal grant assigned to the agency.

433 (a) The agency shall expend each revenue source as provided  
434 by federal and state law and as provided in plans developed by  
435 and agreements with Workforce Florida, Inc. The agency may serve

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436 as contract administrator for Workforce Florida, Inc., contracts  
437 pursuant to s. 445.004(5) as directed by Workforce Florida, Inc.

438 (b) The agency shall prepare and submit a unified budget  
439 request for workforce development, in accordance with chapter  
440 216 for, and in conjunction with, Workforce Florida, Inc., and  
441 its board. ~~The head of the agency is the director of Workforce~~  
442 ~~Innovation, who shall be appointed by the Governor.~~

443 (c) The agency shall include the following offices within  
444 its organizational structure:

- 445 1. The Office of Unemployment Compensation Services;
- 446 2. The Office of Workforce Program Support;
- 447 3. The Office of Early Learning, which shall administer the  
448 school readiness system in accordance with s. 411.01 and the  
449 operational requirements of the Voluntary Prekindergarten  
450 Education Program in accordance with part V of chapter 1002. The  
451 office shall be directed by the Deputy Director for Early  
452 Learning, who shall be appointed by and serve at the pleasure of  
453 the director; and
- 454 4. The Office of Agency Support Services.

455 (d) The director of the agency may establish the positions  
456 of assistant director and deputy director to administer the  
457 requirements and functions of the agency. In addition, the  
458 director may organize and structure the offices of the agency to  
459 best meet the goals and objectives of the agency as provided in  
460 s. 20.04.

461 (e) ~~(d)~~ The Unemployment Appeals Commission, authorized by  
462 s. 443.012, is not subject to control, supervision, or direction  
463 by the agency ~~for Workforce Innovation~~ in the performance of its  
464 powers and duties but shall receive any and all support and

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465 assistance from the agency that is required for the performance  
466 of its duties.

467 (3) The agency ~~for Workforce Innovation~~ shall serve as the  
468 designated agency for purposes of each federal workforce  
469 development grant assigned to it for administration. The agency  
470 shall carry out the duties assigned to it by the Governor, under  
471 the terms and conditions of each grant. The agency shall have  
472 the level of authority and autonomy necessary to be the  
473 designated recipient of each federal grant assigned to it, and  
474 shall disperse such grants pursuant to the plans and policies of  
475 Workforce Florida, Inc. The director may, upon delegation from  
476 the Governor and pursuant to agreement with Workforce Florida,  
477 Inc., sign contracts, grants, and other instruments as necessary  
478 to execute functions assigned to the agency. Notwithstanding  
479 other provisions of law, the agency ~~for Workforce Innovation~~  
480 shall administer other programs funded by federal or state  
481 appropriations, as determined by the Legislature in the General  
482 Appropriations Act or by law.

483 (4) The agency ~~for Workforce Innovation~~ may provide or  
484 contract for training for employees of administrative entities  
485 and case managers of any contracted providers to ensure that  
486 they have the necessary competencies and skills to provide  
487 adequate administrative oversight and delivery of the full array  
488 of client services.

489 (5) The agency ~~for Workforce Innovation~~ shall have an  
490 official seal by which its records, orders, and proceedings are  
491 authenticated. The seal shall be judicially noticed.

492 Section 14. Subsection (13) of section 24.105, Florida  
493 Statutes, is amended to read:

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494 24.105 Powers and duties of department.—The department  
495 shall:

496 (13) ~~Have the authority to~~ Perform ~~any of~~ the functions of  
497 the Department of Financial Management Services under chapter  
498 255, chapter 273, chapter 281, chapter 283, or chapter 287, or  
499 ~~any~~ rules adopted under ~~any~~ such chapter, and may grant  
500 approvals provided for under ~~any~~ such chapter or rules. If the  
501 department finds, by rule, that compliance with ~~any~~ such chapter  
502 would impair or impede the effective or efficient operation of  
503 the lottery, the department may adopt rules providing  
504 alternative procurement procedures. Such alternative procedures  
505 shall be designed to allow the department to evaluate competing  
506 proposals and select the proposal that provides the greatest  
507 long-term benefit to the state with respect to the quality of  
508 the products or services, dependability and integrity of the  
509 vendor, dependability of the vendor's products or services,  
510 security, competence, timeliness, and maximization of gross  
511 revenues and net proceeds over the life of the contract.

512 Section 15. Subsection (6) of section 24.120, Florida  
513 Statutes, is amended to read:

514 24.120 Financial matters; Operating Trust Fund; interagency  
515 cooperation.—

516 (6) The Department of Financial Management Services may  
517 authorize a sales incentive program for employees of the  
518 department for the purpose of increasing the sales volume and  
519 distribution of lottery tickets. Payments pursuant to the  
520 program are ~~shall not be construed to be~~ lump-sum salary  
521 bonuses.

522 Section 16. Paragraph (a) of subsection (1) of section

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523 29.008, Florida Statutes, is amended to read:

524 29.008 County funding of court-related functions.—

525 (1) Counties are required by s. 14, Art. V of the State  
526 Constitution to fund the cost of communications services,  
527 existing radio systems, existing multiagency criminal justice  
528 information systems, and the cost of construction or lease,  
529 maintenance, utilities, and security of facilities for the  
530 circuit and county courts, public defenders' offices, state  
531 attorneys' offices, guardian ad litem offices, and the offices  
532 of the clerks of the circuit and county courts performing court-  
533 related functions. For purposes of this section, the term  
534 "circuit and county courts" includes the offices and staffing of  
535 the guardian ad litem programs, and the term "public defenders'  
536 offices" includes the offices of criminal conflict and civil  
537 regional counsel. The county designated under s. 35.05(1) as the  
538 headquarters for each appellate district shall fund these costs  
539 for the appellate division of the public defender's office in  
540 that county. For purposes of implementing these requirements,  
541 the term:

542 (a) "Facility" means reasonable and necessary buildings and  
543 office space and appurtenant equipment and furnishings,  
544 structures, real estate, easements, and related interests in  
545 real estate, including, but not limited to, those for the  
546 purpose of housing legal materials for use by the general public  
547 and personnel, equipment, or functions of the circuit or county  
548 courts, public defenders' offices, state attorneys' offices, and  
549 court-related functions of the office of the clerks of the  
550 circuit and county courts and all storage. The term ~~facility~~  
551 includes all wiring necessary for court reporting services. The

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552 term also includes access to parking for such facilities in  
553 connection with ~~such~~ court-related functions that may be  
554 available free or from a private provider or a local government  
555 for a fee. The office space provided by a county may not be less  
556 than the standards for space allotment adopted by the Department  
557 of Environmental Protection Management Services, except that  
558 this requirement applies only to facilities that are leased, or  
559 on which construction commences, after June 30, 2003. County  
560 funding must include physical modifications and improvements to  
561 all facilities ~~as are~~ required for compliance with the Americans  
562 with Disabilities Act. Upon mutual agreement of a county and the  
563 affected entity ~~in this paragraph~~, the office space provided by  
564 the county may vary from the standards for space allotment  
565 adopted by the Department of Environmental Protection Management  
566 Services.

567 1. ~~As of July 1, 2005,~~ Equipment and furnishings are ~~shall~~  
568 ~~be~~ limited to that which is appropriate and customary for  
569 courtrooms, hearing rooms, jury facilities, and other public  
570 areas in courthouses and any other facility occupied by the  
571 courts, state attorneys, public defenders, guardians ad litem,  
572 and criminal conflict and civil regional counsel. Court  
573 reporting equipment in these areas or facilities is not a  
574 responsibility of the county.

575 2. Equipment and furnishings under this paragraph in  
576 existence and owned by counties on July 1, 2005, except for that  
577 in the possession of the clerks, for areas other than  
578 courtrooms, hearing rooms, jury facilities, and other public  
579 areas in courthouses and any other facility occupied by the  
580 courts, state attorneys, and public defenders, shall be

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581 transferred to the state at no charge. This provision does not  
582 apply to ~~any~~ communications services as defined in paragraph  
583 (f).

584 Section 17. Section 29.21, Florida Statutes, is amended to  
585 read:

586 29.21 ~~Department of Management Services to provide~~  
587 Assistance in procuring services.—In accordance with s. 287.042,  
588 the Department of Financial Management Services may assist the  
589 Office of the State Courts Administrator and the Justice  
590 Administrative Commission with competitive solicitations for the  
591 procurement of state-funded services under this chapter. This  
592 may include assistance in the development and review of  
593 proposals in compliance with chapter 287, and rules adopted  
594 under that chapter.

595 Section 18. Section 110.1055, Florida Statutes, is amended  
596 to read:

597 110.1055 Rules and rulemaking authority.—The Department of  
598 Personnel Management ~~Services~~ shall adopt rules as necessary to  
599 effectuate the provisions of this chapter, ~~as amended by this~~  
600 ~~act,~~ and in accordance with the authority granted to the  
601 department under ~~in~~ this chapter. ~~All existing rules relating to~~  
602 ~~this chapter are statutorily repealed January 1, 2002, unless~~  
603 ~~otherwise readopted.~~

604 Section 19. Subsections (1) and (2) of section 110.107,  
605 Florida Statutes, are amended to read:

606 110.107 Definitions.—As used in this chapter, the term:

607 (1) "Department" means the Department of Personnel  
608 Management ~~Services~~.

609 (2) "Executive director ~~Secretary~~" means the executive

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610 director of the department ~~Secretary of Management Services.~~

611 Section 20. Subsection (5) of section 110.1099, Florida  
612 Statutes, is amended to read:

613 110.1099 Education and training opportunities for state  
614 employees.—

615 (5) The department ~~of Management Services~~, in consultation  
616 with the agencies and, to the extent applicable, with the state  
617 ~~Florida's public~~ community colleges, ~~public~~ career centers, and  
618 ~~public~~ universities, shall adopt rules to administer this  
619 section.

620 Section 21. Section 110.116, Florida Statutes, is amended  
621 to read:

622 110.116 Personnel information system; payroll procedures.—  
623 The department ~~of Management Services~~ shall establish and  
624 maintain, in coordination with the payroll system of the  
625 Department of Financial Services, a complete personnel  
626 information system for all authorized and established positions  
627 in the state service, with the exception of employees of the  
628 Legislature, unless the Legislature chooses to participate. The  
629 department may contract with a vendor to provide the personnel  
630 information system. The specifications shall be developed in  
631 conjunction with the payroll system of the Department of  
632 Financial Services and in coordination with the Auditor General.  
633 The Department of Financial Services shall determine that the  
634 position occupied by each employee has been authorized and  
635 established in accordance with ~~the provisions of s. 216.251~~. The  
636 department ~~of Management Services~~ shall develop and maintain a  
637 position numbering system that identifies ~~will identify~~ each  
638 established position, and such information shall be a part of

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639 the payroll system of the Department of Financial Services. With  
640 the exception of employees of the Legislature, unless the  
641 Legislature chooses to participate, this system includes ~~shall~~  
642 ~~include~~ all career service positions and those positions  
643 exempted from career service provisions, notwithstanding the  
644 funding source of the salary payments, and information regarding  
645 persons receiving payments from other sources. Necessary  
646 revisions shall be made in the personnel and payroll procedures  
647 of the state to avoid duplication insofar as is feasible. A list  
648 shall be organized by budget entity to show the employees or  
649 vacant positions within each budget entity. This list must ~~shall~~  
650 be available to the Speaker of the House of Representatives and  
651 the President of the Senate upon request.

652 Section 22. Section 110.121, Florida Statutes, is amended  
653 to read:

654 110.121 Sick leave pool.—Each state department ~~or agency~~  
655 ~~that of the state which~~ has authority to adopt rules governing  
656 the accumulation and use of sick leave for employees and that  
657 ~~which~~ maintains accurate and reliable records showing the amount  
658 of sick leave which has been accumulated and is unused by  
659 employees may, in accordance with guidelines that are ~~which~~  
660 ~~shall be established by the department of Management Services,~~  
661 adopt rules for establishing ~~the establishment of~~ a plan  
662 allowing participating employees to pool sick leave and allowing  
663 any sick leave thus pooled to be used by a ~~any~~ participating  
664 employee who has used all of his or her ~~the~~ sick leave ~~that has~~  
665 ~~been personally accrued by him or her.~~ At a minimum ~~Although not~~  
666 ~~limited to the following,~~ such rules shall provide:

667 (1) That employees are ~~shall be~~ eligible for participation

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668 in the sick leave pool after 1 year of employment with a the  
669 state ~~or agency~~ if of the state; ~~provided that~~ such employee has  
670 accrued a minimum amount of unused sick leave, which minimum  
671 shall be established by rule.

672 (2) That participation in the sick leave pool is shall, ~~at~~  
673 ~~all times,~~ be voluntary on the part of the employees.

674 (3) That any sick leave pooled shall be removed from the  
675 personally accumulated sick leave balance of the employee  
676 contributing such leave.

677 (4) That any sick leave in the pool which leave is used by  
678 a participating employee is shall-be used only for the  
679 employee's personal illness, accident, or injury.

680 (5) That a participating employee may shall not ~~be eligible~~  
681 ~~to~~ use sick leave accumulated in the pool until all of his or  
682 her personally accrued sick, annual, and compensatory leave has  
683 been used.

684 (6) The A maximum number of days of sick leave in the pool  
685 which any one employee may use.

686 (7) That a participating employee who uses sick leave from  
687 the pool is shall not ~~be~~ required to recontribute such sick  
688 leave to the pool, except as otherwise provided in this section.

689 (8) That an employee who cancels his or her membership in  
690 the sick leave pool may shall not ~~be eligible to~~ withdraw the  
691 days of sick leave contributed by that employee to the pool.

692 (9) That an employee who transfers from one position in a  
693 state agency ~~government~~ to another position in another state  
694 agency ~~government~~ may transfer from one pool to another if the  
695 eligibility criteria of the pools are comparable or the  
696 administrators of the pools have agreed on a formula for

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697 transfer of credits.

698 (10) That alleged abuse of the use of the sick leave pool  
699 shall be investigated, and, on a finding of wrongdoing, the  
700 employee must ~~shall~~ repay all of the sick leave credits drawn  
701 from the sick leave pool and is ~~shall be~~ subject to such other  
702 disciplinary action as is determined by the agency head.

703 (11) That sick leave credits may be drawn from the sick  
704 leave pool by a part-time employee on a pro rata basis.

705 Section 23. Section 110.1227, Florida Statutes, is amended  
706 to read:

707 110.1227 Florida Employee Long-Term-Care Plan ~~Act.~~-

708 (1) The Legislature finds that state expenditures for long-  
709 term-care services continue to increase at a rapid rate and that  
710 the state faces increasing pressure in its efforts to meet the  
711 long-term-care needs of the public.

712 (a) It is the intent of the Legislature that the Department  
713 of Personnel Management ~~Services~~ and the Department of Elderly  
714 Affairs implement a self-funded or fully insured, voluntary,  
715 long-term-care plan for public employees and their families and  
716 provide an opportunity for public employees and their families  
717 to purchase said long-term-care insurance by means of payroll  
718 deduction.

719 (b) The department and the Department of Elderly Affairs  
720 ~~and the Department of Management Services~~ shall jointly design  
721 the plan to provide long-term-care coverage for public  
722 employees, family members of public employees, and retirees. The  
723 departments ~~Department of Management Services and the Department~~  
724 ~~of Elderly Affairs~~ shall enter into an interagency agreement  
725 defining their roles with regard to plan development and design.

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726 Joint planning expenses shall be shared to the extent that  
727 funded planning activities are consistent with the goals of the  
728 departments. Eligible plan participants must include active and  
729 retired officers and employees of all branches and state  
730 agencies ~~of state~~ and their spouses, children, stepchildren,  
731 parents, and parents-in-law; and, upon the affirmative vote of  
732 the governing body of any county or municipality in this state,  
733 the active and retired officers and employees of any such county  
734 or municipality and their spouses, children, stepchildren,  
735 parents, and parents-in-law; and the surviving spouses,  
736 children, stepchildren, parents, and parents-in-law of such  
737 deceased officers and employees, whether active or retired at  
738 the time of death.

739 (c) This section does not limit the department's act in no  
740 way affects the Department of Management Services' authority  
741 under pursuant to s. 110.123.

742 (d) The department ~~of Management Services~~ and the  
743 Department of Elderly Affairs shall review all self-insured and  
744 all fully-insured proposals submitted to it by qualified vendors  
745 ~~who have submitted responses~~ prior to February 23, 1999. Upon  
746 review of the proposals, the departments ~~Department of~~  
747 ~~Management Services and the Department of Elderly Affairs~~ may  
748 award a contract to the vendor that the departments deem to  
749 represent the best value to public employees, family members of  
750 public employees, and retirees.

751 (e) An ~~No~~ entity providing actuarial consulting services to  
752 the department ~~of Management Services~~ or the Department of  
753 Elderly Affairs in the preparation of the request for proposals,  
754 in the evaluation of such proposals, or in the selection of a

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755 provider of long-term-care service offerings may not ~~shall be~~  
756 ~~eligible to~~ provide or contract to provide the entity selected  
757 as the provider of long-term-care service offerings in this  
758 state with any services related to the ~~Florida Employee Long-~~  
759 ~~Term-Care~~ plan.

760 (2) As used in this section, the term:

761 ~~(a) "Department" means the Department of Elderly Affairs.~~

762 (a) ~~(b)~~ "Self-funded" means that plan benefits and costs are  
763 funded from contributions made by or on behalf of participants  
764 and trust fund investment revenue.

765 (b) ~~(c)~~ "Plan" means the Florida Employee Long-Term-Care  
766 Plan.

767 (3) The department ~~of Management Services~~ and the  
768 Department of Elderly Affairs shall, in consultation with public  
769 employers and employees and representatives from unions and  
770 associations representing state, university, local government,  
771 and other public employees, establish and supervise the  
772 implementation and administration of a self-funded or fully  
773 insured long-term-care plan entitled "Florida Employee Long-  
774 Term-Care Plan."

775 (a) The departments ~~Department of Management Services and~~  
776 ~~the department~~ shall, in consultation with the Office of  
777 Insurance Regulation of the Financial Services Commission,  
778 contract for actuarial, professional-administrator, and other  
779 services for the ~~Florida Employee Long-Term-Care~~ plan.

780 (b) When contracting for a professional administrator, the  
781 department ~~of Management Services~~ shall consider, at a minimum,  
782 the entity's previous experience and expertise in administering  
783 group long-term-care self-funded plans or long-term-care

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784 insurance programs; the entity's demonstrated ability to perform  
785 its contractual obligations in the state and in other  
786 jurisdictions; the entity's projected administrative costs; the  
787 entity's capability to adequately provide service coverage,  
788 including a sufficient number of experienced and qualified  
789 personnel in the areas of marketing, claims processing,  
790 recordkeeping, and underwriting; the entity's accessibility to  
791 public employees and other qualified participants; and the  
792 entity's financial soundness and solvency.

793 (c) Any contract with a professional administrator entered  
794 into by the department ~~of Management Services~~ must require that  
795 the state be held harmless and indemnified for any financial  
796 loss caused by the failure of the professional administrator to  
797 comply with the terms of the contract.

798 (d) The department ~~of Management Services~~ shall explore  
799 innovations in long-term-care financing and service delivery  
800 with regard to possible future inclusion in the plan. Such  
801 innovative financing and service delivery mechanisms may include  
802 managed long-term care and plans that set aside assets with  
803 regard to eligibility for Medicaid-funded long-term-care  
804 services in the same proportion that private long-term-care  
805 insurance benefits are used to pay for long-term care.

806 (4) The department ~~of Management Services~~ and the  
807 Department of Elderly Services shall coordinate, directly or  
808 through contract, marketing of the plan. Expenses related to  
809 such marketing shall be reimbursed from funds of the plan.

810 (5) The department ~~of Management Services~~ shall contract  
811 with the State Board of Administration for the investment of  
812 funds in the Florida Employee Long-Term-Care Plan reserve fund.

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813 Plan funds are not state funds. The moneys shall be held by the  
814 state board ~~of Administration~~ on behalf of enrollees and  
815 invested and disbursed in accordance with a trust agreement  
816 approved by the division and the state board ~~of Administration~~  
817 and in accordance with ~~the provisions of~~ ss. 215.44-215.53.  
818 Moneys in the reserve fund may be used only for the purposes  
819 specified in the agreement.

820 (6) A Florida Employee Long-Term-Care Plan Board of  
821 Directors is created, composed of nine members who shall serve  
822 2-year terms, to be appointed ~~after May 1, 1999,~~ as follows:

823 (a) The secretary of the Department of Elderly Affairs  
824 shall appoint a member who is a plan participant.

825 (b) The Director of the Office of Insurance Regulation  
826 shall appoint an actuary.

827 (c) The Attorney General shall appoint an attorney licensed  
828 to practice law in this state.

829 (d) The Governor shall appoint three members from a broad  
830 cross-section of the residents of this state.

831 (e) The Department of Personnel Management ~~Services~~ shall  
832 appoint a member.

833 (f) The President of the Senate shall appoint a member of  
834 the Senate.

835 (g) The Speaker of the House of Representatives shall  
836 appoint a member of the House of Representatives.

837 (7) The board of directors of the Florida Long-Term-Care  
838 Plan shall:

839 (a) Prepare an annual report of the plan, with the  
840 assistance of an actuarial consultant, to be submitted to the  
841 Speaker of the House of Representatives, the President of the

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842 Senate, the Governor, and the Minority Leaders of the Senate and  
843 the House of Representatives.

844 (b) Approve the appointment of an executive director  
845 jointly recommended by the department ~~of Management Services~~ and  
846 the Department of Elderly Affairs to serve as the chief  
847 administrative and operational officer of the ~~Florida Employee~~  
848 ~~Long-Term-Care~~ plan.

849 (c) Approve the terms of the department's ~~Department of~~  
850 ~~Management Services'~~ third-party administrator contract.

851 (d) Implement such other policies and procedures as  
852 necessary to assure the soundness and efficient operation of the  
853 plan.

854 (8) Members of the board may not receive a salary, but may  
855 be reimbursed for travel, per diem, and administrative expenses  
856 related to their duties. Board expenses and costs for the annual  
857 report and other administrative expenses must be borne by the  
858 plan. State funds may not be used for ~~contributed toward~~ costs  
859 associated with board members or their activities conducted on  
860 behalf of and for the benefit of plan beneficiaries.

861 Section 24. Paragraph (f) of subsection (5) and subsection  
862 (7) of section 110.1228, Florida Statutes, are amended to read:

863 110.1228 Participation by small counties, small  
864 municipalities, and district school boards located in small  
865 counties.—

866 (5) If the department determines that a small county, small  
867 municipality, or district school board is eligible to enroll,  
868 the small county, small municipality, or district school board  
869 must agree to the following terms and conditions:

870 (f) If a small county, small municipality, or district

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871 school board employer fails to make the payments required by  
872 this section to fully reimburse the state, upon the department's  
873 request, the Department of Revenue or the Department of  
874 Financial Services shall, ~~upon the request of the Department of~~  
875 ~~Management Services~~, deduct the amount owed by the employer from  
876 any funds not pledged to bond debt service satisfaction that are  
877 to be distributed by it to the small county, small municipality,  
878 or district school board. The amounts ~~so~~ deducted shall be  
879 transferred to the department ~~of Management Services~~ for further  
880 distribution to the trust funds in accordance with this chapter.

881 (7) The department ~~of Management Services~~ may adopt rules  
882 necessary to administer this section.

883 Section 25. Subsection (2) and paragraphs (a), (e), (h),  
884 and (i) of subsection (3) of section 110.123, Florida Statutes,  
885 are amended to read:

886 110.123 State group insurance program.—

887 (2) DEFINITIONS.—As used in this section, the term:

888 ~~(a) "Department" means the Department of Management~~  
889 ~~Services.~~

890 (a) ~~(b)~~ "Enrollee" means all state officers and employees,  
891 retired state officers and employees, surviving spouses of  
892 deceased state officers and employees, and terminated employees  
893 or individuals with continuation coverage who are enrolled in an  
894 insurance plan offered by the state group insurance program. The  
895 term "Enrollee" includes all state university officers and  
896 employees, retired state university officers and employees,  
897 surviving spouses of deceased state university officers and  
898 employees, and terminated state university employees or  
899 individuals with continuation coverage who are enrolled in an

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900 insurance plan offered by the state group insurance program.

901 (b)~~(e)~~ "Full-time state employees" means ~~includes all full-~~  
902 time employees of state ~~all branches or~~ agencies ~~of state~~  
903 ~~government~~ holding salaried positions and paid by state warrant  
904 or from agency funds, and employees paid from regular salary  
905 appropriations for 8 months' employment, including university  
906 personnel on academic contracts, but in no case shall "state  
907 employee" or "salaried position" include persons paid from  
908 other-personal-services ~~(OPS)~~ funds. "Full-time employees"  
909 includes all full-time employees of the state universities.

910 (c)~~(d)~~ "Health maintenance organization" or "HMO" means an  
911 entity certified under part I of chapter 641.

912 (d)~~(e)~~ "Health plan member" means any person participating  
913 in a state group health insurance plan, a TRICARE supplemental  
914 insurance plan, or a health maintenance organization plan under  
915 the state group insurance program, including enrollees and  
916 covered dependents thereof.

917 (e)~~(f)~~ "Part-time state employee" means any employee of any  
918 branch or agency of state government paid by state warrant from  
919 salary appropriations or from agency funds, and who is employed  
920 for less than the normal full-time workweek established by the  
921 department or, if on academic contract or seasonal or other type  
922 of employment which is less than year-round, is employed for  
923 less than 8 months during any 12-month period. The term does  
924 not, ~~but in no case shall "part-time" employee~~ include a person  
925 paid from other-personal-services ~~(OPS)~~ funds. "Part-time state  
926 employee" includes any part-time employee of the state  
927 universities.

928 (f)~~(g)~~ "Retired state officer or employee" or "retiree"

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929 means any state or state university officer or employee who  
930 retires under a state retirement system or a state optional  
931 annuity or retirement program or is placed on disability  
932 retirement, ~~and~~ who was insured under the state group insurance  
933 program at the time of retirement, and who begins receiving  
934 retirement benefits immediately after retirement from state or  
935 state university office or employment. In addition ~~to these~~  
936 ~~requirements,~~ the term includes any state officer or state  
937 employee who retires under the defined contribution Public  
938 ~~Employee Optional Retirement~~ program established under part II  
939 of chapter 121 ~~shall be considered a "retired state officer or~~  
940 ~~employee" or "retiree" as used in this section~~ if he or she:

- 941 1. Meets the age and service requirements to qualify for  
942 normal retirement as set forth in s. 121.021(29); or  
943 2. Has attained the age specified by s. 72(t)(2)(A)(i) of  
944 the Internal Revenue Code and has 6 years of creditable service.

945 (g) ~~(h)~~ "State agency" or "agency" means any branch,  
946 department, or agency of state government. "State agency" or  
947 "agency" includes any state university for purposes of this  
948 section only.

949 (h) ~~(i)~~ "State group health insurance plan or plans" or  
950 "state plan or plans" mean the state self-insured health  
951 insurance plan or plans offered to state officers and employees,  
952 retired state officers and employees, and surviving spouses of  
953 deceased state officers and employees pursuant to this section.

954 (i) ~~(j)~~ "State-contracted HMO" means any health maintenance  
955 organization under contract with the department to participate  
956 in the state group insurance program.

957 (j) ~~(k)~~ "State group insurance program" or "programs" means

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958 the package of insurance plans offered to state officers and  
959 employees, retired state officers and employees, and surviving  
960 spouses of deceased state officers and employees pursuant to  
961 this section, including the state group health insurance plan or  
962 plans, health maintenance organization plans, TRICARE  
963 supplemental insurance plans, and other plans required or  
964 authorized by law.

965 (k)~~(l)~~ "State officer" means any constitutional state  
966 officer, any elected state officer paid by state warrant, or any  
967 appointed state officer who is commissioned by the Governor and  
968 who is paid by state warrant.

969 (l)~~(m)~~ "Surviving spouse" means the widow or widower of a  
970 deceased state officer, full-time state employee, part-time  
971 state employee, or retiree if such widow or widower was covered  
972 as a dependent under the state group health insurance plan, a  
973 TRICARE supplemental insurance plan, or a health maintenance  
974 organization plan established pursuant to this section at the  
975 time of the death of the deceased officer, employee, or retiree.  
976 The term "Surviving spouse" also means any widow or widower who  
977 is receiving or eligible to receive a monthly state warrant from  
978 a state retirement system as the beneficiary of a state officer,  
979 full-time state employee, or retiree who died before ~~prior to~~  
980 July 1, 1979. For the purposes of this section, any such widow  
981 or widower shall cease to be a surviving spouse upon his or her  
982 remarriage.

983 (m)~~(n)~~ "TRICARE supplemental insurance plan" means the  
984 Department of Defense Health Insurance Program for eligible  
985 members of the uniformed services authorized by 10 U.S.C. s.  
986 1097.

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987 (3) STATE GROUP INSURANCE PROGRAM.—

988 (a) The Division of State Group Insurance is created within  
989 the department ~~of Management Services~~.

990 (e) The department ~~of Management Services~~ and the Division  
991 of State Group Insurance may not prohibit or limit any properly  
992 licensed insurer, health maintenance organization, prepaid  
993 limited health services organization, or insurance agent from  
994 competing for any insurance product or plan purchased, provided,  
995 or endorsed by the department or the division on the basis of  
996 the compensation arrangement used by the insurer or organization  
997 for its agents.

998 (h)~~1.~~ In lieu of participating in the state group health  
999 insurance program, a person eligible to participate in the ~~state~~  
1000 ~~group insurance program~~ may be authorized by department rules  
1001 ~~adopted by the department, in lieu of participating in the state~~  
1002 ~~group health insurance plan, to exercise an option to elect~~  
1003 membership in a health maintenance organization plan that which  
1004 is under contract with the state in accordance with criteria  
1005 established by this section and department ~~by said~~ rules. The  
1006 offer of optional membership in a health maintenance  
1007 organization plan ~~permitted by this paragraph~~ may be limited or  
1008 conditioned by rule as ~~may be~~ necessary to meet the requirements  
1009 of state and federal laws.

1010 ~~1.2.~~ The department shall contract with health maintenance  
1011 organizations seeking to participate in the state group  
1012 insurance program through a request for proposal or other  
1013 procurement process, as developed by the department ~~of~~  
1014 ~~Management Services~~ and determined to be appropriate.

1015 a. The department shall establish a schedule of minimum

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1016 benefits for health maintenance organization coverage, and that  
1017 schedule must ~~shall~~ include: physician services; inpatient and  
1018 outpatient hospital services; emergency medical services,  
1019 including out-of-area emergency coverage; diagnostic laboratory  
1020 and diagnostic and therapeutic radiologic services; mental  
1021 health, alcohol, and chemical dependency treatment services  
1022 meeting the minimum requirements of state and federal law;  
1023 skilled nursing facilities and services; prescription drugs;  
1024 age-based and gender-based wellness benefits; and other benefits  
1025 as may be required by the department. Additional services may be  
1026 provided subject to the contract between the department and the  
1027 HMO. As used in this paragraph, the term "age-based and gender-  
1028 based wellness benefits" includes aerobic exercise, education in  
1029 alcohol and substance abuse prevention, blood cholesterol  
1030 screening, health risk appraisals, blood pressure screening and  
1031 education, nutrition education, program planning, safety belt  
1032 education, smoking cessation, stress management, weight  
1033 management, and women's health education.

1034 b. The department may establish uniform deductibles,  
1035 copayments, coverage tiers, or coinsurance schedules for all  
1036 participating HMO plans.

1037 c. The department may require detailed information from  
1038 each health maintenance organization participating in the  
1039 procurement process, including information pertaining to  
1040 organizational status, experience in providing prepaid health  
1041 benefits, accessibility of services, financial stability of the  
1042 plan, quality of management services, accreditation status,  
1043 quality of medical services, network access and adequacy,  
1044 performance measurement, ability to meet the department's

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1045 reporting requirements, and the actuarial basis of the proposed  
1046 rates and other data determined by the director to be necessary  
1047 for the evaluation and selection of health maintenance  
1048 organization plans and negotiation of appropriate rates for  
1049 these plans. Upon receipt of proposals by health maintenance  
1050 organization plans and the evaluation of those proposals, the  
1051 department may enter into negotiations with all of the plans or  
1052 a subset of the plans, as the department determines appropriate.  
1053 ~~Nothing shall preclude~~ The department may negotiate ~~from~~  
1054 ~~negotiating~~ regional or statewide contracts with health  
1055 maintenance organization plans if ~~when~~ this is cost-effective  
1056 and ~~when~~ the department determines that the plan offers high  
1057 value to enrollees.

1058 d. The department may limit the number of HMOs that it  
1059 contracts with in each service area based on the nature of the  
1060 bids the department receives, the number of state employees in  
1061 the service area, or any unique geographical characteristics of  
1062 the service area. The department shall establish by rule service  
1063 areas throughout the state.

1064 e. All persons participating in the state group insurance  
1065 program may be required to contribute towards a total state  
1066 group health premium that may vary depending upon the plan and  
1067 coverage tier selected by the enrollee and the level of state  
1068 contribution authorized by the Legislature.

1069 ~~2.3.~~ The department may ~~is authorized to~~ negotiate and ~~to~~  
1070 contract with specialty psychiatric hospitals for mental health  
1071 benefits, on a regional basis, for alcohol, drug abuse, and  
1072 mental and nervous disorders. ~~The department may establish,~~  
1073 Subject to the approval of the Legislature pursuant to

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1074 subsection (5), the department may establish any such regional  
1075 plan upon completion of an actuarial study to determine the  
1076 effect ~~any impact~~ on plan benefits and premiums.

1077 ~~3.4.~~ In addition to contracting pursuant to subparagraph 1.  
1078 ~~2.~~, the department may ~~enter into~~ contract with any HMO to  
1079 participate in the state group insurance program which:

1080 a. Serves greater than 5,000 recipients on a prepaid basis  
1081 under the Medicaid program;

1082 b. Does not currently meet the 25-percent non-Medicare/non-  
1083 Medicaid enrollment composition requirement established by the  
1084 Department of Health excluding participants enrolled in the  
1085 state group insurance program;

1086 c. Meets the minimum benefit package and copayments and  
1087 deductibles contained in sub-subparagraphs 1.a. ~~2.a.~~ and b.;

1088 d. Is willing to participate in the state group insurance  
1089 program at a cost of premiums that is not greater than 95  
1090 percent of the cost of HMO premiums accepted by the department  
1091 in each service area; and

1092 e. Meets the minimum surplus requirements of s. 641.225.

1093

1094 The department may ~~is authorized to~~ contract with HMOs that meet  
1095 the requirements of sub-subparagraphs a.-d. before ~~prior to~~ the  
1096 open enrollment period for state employees. The department is  
1097 not required to renew the contract with the HMOs ~~as set forth in~~  
1098 ~~this paragraph~~ more than twice. Thereafter, the HMOs may ~~shall~~  
1099 ~~be eligible to~~ participate in the state group insurance program  
1100 only through the request for proposal or invitation to negotiate  
1101 process described in subparagraph 1. ~~2.~~

1102 ~~4.5.~~ All enrollees in a state group health insurance plan,

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1103 a TRICARE supplemental insurance plan, or any health maintenance  
1104 organization plan may change ~~have the option of changing~~ to any  
1105 other health plan that is offered by the state within an ~~any~~  
1106 open enrollment period designated by the department. Open  
1107 enrollment shall be held at least once each calendar year.

1108 ~~5.6. If~~ ~~When~~ a contract between a treating provider and the  
1109 state-contracted health maintenance organization is terminated  
1110 for any reason other than for cause, each party shall allow any  
1111 enrollee for whom treatment was active to continue coverage and  
1112 care when medically necessary, through completion of treatment  
1113 of a condition for which the enrollee was receiving care at the  
1114 time of the termination, until the enrollee selects another  
1115 treating provider, or until the next open enrollment period  
1116 offered, whichever is longer, but no longer than 6 months after  
1117 termination of the contract. Each party to the terminated  
1118 contract shall allow an enrollee who has initiated a course of  
1119 prenatal care, regardless of the trimester in which care was  
1120 initiated, to continue care and coverage until completion of  
1121 postpartum care. This does not prevent a provider from refusing  
1122 to continue to provide care to an enrollee who is abusive,  
1123 noncompliant, or in arrears in payments for services provided.  
1124 For care continued under this subparagraph, the program and the  
1125 provider shall continue to be bound by the terms of the  
1126 terminated contract. Changes made within 30 days before  
1127 termination of a contract are effective only if agreed to by  
1128 both parties.

1129 ~~6.7.~~ Any HMO participating in the state group insurance  
1130 program shall submit health care utilization and cost data to  
1131 the department, in such form and in such manner as the

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1132 department shall require, as a condition of participating in the  
1133 program. The department shall enter into negotiations with its  
1134 contracting HMOs to determine the nature and scope of the data  
1135 submission and the final requirements, format, penalties  
1136 associated with noncompliance, and timetables for submission.  
1137 These determinations shall be adopted by rule.

1138 (i)~~8.~~ The department may establish and direct, with respect  
1139 to collective bargaining issues, a comprehensive package of  
1140 insurance benefits that may include supplemental health and life  
1141 coverage, dental care, long-term care, vision care, and other  
1142 benefits it determines necessary to enable state employees to  
1143 select from among benefit options that best suit their  
1144 individual and family needs.

1145 1.a.~~Based upon a desired benefit package, the department~~  
1146 shall issue a request for proposal or invitation to negotiate  
1147 for health insurance providers interested in participating in  
1148 the state group insurance program, and the department shall  
1149 issue a request for proposal or invitation to negotiate for  
1150 insurance providers interested in participating in the non-  
1151 health-related components of the state group insurance program.  
1152 Upon receipt of all proposals, the department may enter into  
1153 contract negotiations with insurance providers submitting bids  
1154 or negotiate a specially designed benefit package. Insurance  
1155 providers offering or providing supplemental coverage as of May  
1156 30, 1991, which qualify for pretax benefit treatment pursuant to  
1157 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more  
1158 state employees currently enrolled may be included by the  
1159 department in the supplemental insurance benefit plan  
1160 established by the department without participating in a request

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1161 for proposal, submitting bids, negotiating contracts, or  
1162 negotiating a specially designed benefit package. These  
1163 contracts must ~~shall~~ provide state employees with the most cost-  
1164 effective and comprehensive coverage available; however, ~~no~~  
1165 state or agency funds may not contribute ~~shall be contributed~~  
1166 toward the cost of any part of the premium of such supplemental  
1167 benefit plans. With respect to dental coverage, the division  
1168 shall include in any solicitation or contract for any state  
1169 group dental program made after July 1, 2001, a comprehensive  
1170 indemnity dental plan option that ~~which~~ offers enrollees a  
1171 completely unrestricted choice of dentists. If a dental plan is  
1172 endorsed, or in some manner recognized as the preferred product,  
1173 such plan shall include a comprehensive indemnity dental plan  
1174 option that ~~which~~ provides enrollees with a completely  
1175 unrestricted choice of dentists.

1176 ~~2.b.~~ Pursuant to the applicable provisions of s. 110.161,  
1177 and s. 125 of the Internal Revenue Code of 1986, the department  
1178 shall enroll in the pretax benefit program those state employees  
1179 who voluntarily elect coverage in any of the supplemental  
1180 insurance benefit plans as provided by sub-subparagraph a.

1181 ~~3.e.~~ This paragraph does not ~~Nothing herein contained shall~~  
1182 ~~be construed to~~ prohibit insurance providers from continuing to  
1183 provide or offer supplemental benefit coverage to state  
1184 employees as provided under existing agency plans.

1185 ~~(j)(i)~~ The benefits of the insurance authorized by this  
1186 section are ~~shall not be~~ in lieu of any benefits payable under  
1187 chapter 440, the Workers' Compensation Law. The insurance  
1188 authorized by this section may ~~law shall~~ not be deemed to  
1189 constitute insurance to secure workers' compensation benefits as

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1190 required by chapter 440.

1191 Section 26. Section 110.12312, Florida Statutes, is amended  
1192 to read:

1193 110.12312 Open enrollment period for retirees.—On or after  
1194 July 1, 1997, the department ~~of Management Services~~ shall  
1195 provide for an open enrollment period for retired state  
1196 employees who want to obtain health insurance coverage under ss.  
1197 110.123 and 110.12315. The options offered during the open  
1198 enrollment period must provide the same health insurance  
1199 coverage as the coverage provided to active employees under the  
1200 same premium payment conditions in effect for covered retirees,  
1201 including eligibility for health insurance subsidy payments  
1202 under s. 112.363. A person who separates from employment after  
1203 ~~subsequent to~~ May 1, 1988, but whose date of retirement occurs  
1204 on or after August 1, 1995, is eligible as of the first open  
1205 enrollment period occurring after July 1, 1997, with an  
1206 effective date of January 1, 1998, as long as the retiree's  
1207 enrollment remains in effect.

1208 Section 27. Section 110.12315, Florida Statutes, is amended  
1209 to read:

1210 110.12315 Prescription drug program.—The state employees'  
1211 prescription drug program is established. This program shall be  
1212 administered by the department ~~of Management Services~~, according  
1213 to the terms and conditions of the plan as established by the  
1214 ~~relevant provisions of the annual~~ General Appropriations Act and  
1215 implementing legislation, subject to the following conditions:

1216 (1) The department ~~of Management Services~~ shall allow  
1217 prescriptions written by health care providers under the plan to  
1218 be filled by any licensed pharmacy pursuant to contractual

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1219 claims-processing provisions. ~~Nothing in~~ This section does not  
1220 prohibit ~~may be construed as prohibiting~~ a mail order  
1221 prescription drug program that is distinct from the service  
1222 provided by retail pharmacies.

1223 (2) In providing for reimbursement of pharmacies for  
1224 prescription medicines dispensed to members of the state group  
1225 health insurance plan and their dependents under the state  
1226 employees' prescription drug program:

1227 (a) Retail pharmacies participating in the program must be  
1228 reimbursed at a uniform rate and subject to uniform conditions,  
1229 according to the terms and conditions of the plan.

1230 (b) There shall be a 30-day supply limit for prescription  
1231 card purchases and 90-day supply limit for mail order or mail  
1232 order prescription drug purchases.

1233 (c) The current pharmacy dispensing fee remains in effect.

1234 (3) The department ~~of Management Services~~ shall establish  
1235 the reimbursement schedule for prescription pharmaceuticals  
1236 dispensed under the program. Reimbursement rates for a  
1237 prescription pharmaceutical must be based on the cost of the  
1238 generic equivalent drug if a generic equivalent exists, unless  
1239 the physician prescribing the pharmaceutical clearly states on  
1240 the prescription that the brand name drug is medically necessary  
1241 or that the drug product is included on the formulary of drug  
1242 products that may not be interchanged as provided in chapter  
1243 465, in which case reimbursement must be based on the cost of  
1244 the brand name drug as specified in the reimbursement schedule  
1245 adopted by the department ~~of Management Services~~.

1246 (4) The department ~~of Management Services~~ shall conduct a  
1247 prescription utilization review program. In order to participate

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1248 in the state employees' prescription drug program, retail  
 1249 pharmacies dispensing prescription medicines to members of the  
 1250 state group health insurance plan or their covered dependents,  
 1251 or to subscribers or covered dependents of a health maintenance  
 1252 organization plan under the state group insurance program, shall  
 1253 make their records available for this review.

1254 (5) The department ~~of Management Services~~ shall implement  
 1255 such additional cost-saving measures and adjustments as may be  
 1256 required to balance program funding within appropriations  
 1257 provided, including a trial or starter dose program and  
 1258 dispensing of long-term-maintenance medication in lieu of acute  
 1259 therapy medication.

1260 (6) Participating pharmacies must use a point-of-sale  
 1261 device or an online computer system to verify a participant's  
 1262 eligibility for coverage. The state is not liable for  
 1263 reimbursement of a participating pharmacy for dispensing  
 1264 prescription drugs to any person whose current eligibility for  
 1265 coverage has not been verified by the state's contracted  
 1266 administrator or by the department ~~of Management Services~~.

1267 (7) Under the state employees' prescription drug program  
 1268 copayments must be made as follows:

1269 (a) ~~Effective January 1, 2006,~~ For the State Group Health  
 1270 Insurance Standard Plan:

- 1271 1. For generic drug with card.....\$10.
- 1272 2. For preferred brand name drug with card.....\$25.
- 1273 3. For nonpreferred brand name drug with card.....\$40.
- 1274 4. For generic mail order drug.....\$20.
- 1275 5. For preferred brand name mail order drug.....\$50.
- 1276 6. For nonpreferred brand name mail order drug.....\$80.

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- 1277 (b) ~~Effective January 1, 2006,~~ For the State Group Health
- 1278 Insurance High Deductible Plan:
- 1279 1. Retail coinsurance for generic drug with card.....30%.
- 1280 2. Retail coinsurance for preferred brand name drug with
- 1281 card.....30%.
- 1282 3. Retail coinsurance for nonpreferred brand name drug with
- 1283 card.....50%.
- 1284 4. Mail order coinsurance for generic drug.....30%.
- 1285 5. Mail order coinsurance for preferred brand name drug.30%.
- 1286 6. Mail order coinsurance for nonpreferred brand name drug50%.

1287 (c) The department of ~~Management Services~~ shall create a  
 1288 preferred brand name drug list to be used in the administration  
 1289 of the state employees' prescription drug program.

1290 Section 28. Section 110.1232, Florida Statutes, is amended  
 1291 to read:

1292 110.1232 Health insurance coverage for persons retired  
 1293 under state-administered retirement systems before January 1,  
 1294 1976, and for spouses.—Notwithstanding any other provision  
 1295 ~~provisions~~ of law ~~to the contrary~~, the department of ~~Management~~  
 1296 ~~Services~~ shall provide health insurance coverage under the state  
 1297 group insurance program for persons who retired before January  
 1298 1, 1976, under any of the state-administered retirement systems  
 1299 and who are not covered by social security and for the spouses  
 1300 and surviving spouses of such retirees who are also not covered  
 1301 by social security. Such health insurance coverage must ~~shall~~  
 1302 provide the same benefits as provided to other retirees who are  
 1303 entitled to participate under s. 110.123. The claims experience  
 1304 of this group shall be commingled with the claims experience of  
 1305 other members covered under s. 110.123.

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1306 Section 29. Section 110.1234, Florida Statutes, is amended  
1307 to read:

1308 110.1234 Health insurance for retirees under the Florida  
1309 Retirement System; Medicare supplement and fully insured  
1310 coverage.—

1311 (1) The department of ~~Management Services~~ shall solicit  
1312 competitive bids from state-licensed insurance companies to  
1313 provide and administer a fully insured Medicare supplement  
1314 policy for all eligible retirees of a state or local public  
1315 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the  
1316 provisions of ss. 627.671-627.675. For the purpose of this  
1317 subsection, "eligible retiree" means a ~~any~~ public employee who  
1318 retired from a state or local public employer who is covered by  
1319 Medicare, Parts A and B. The department shall authorize one  
1320 company to offer the Medicare supplement coverage to all  
1321 eligible retirees. All premiums shall be paid by the retiree.

1322 (2) The department of ~~Management Services~~ shall solicit  
1323 competitive bids from state-licensed insurance companies to  
1324 provide and administer fully insured health insurance coverage  
1325 for all public employees who retired from a state or local  
1326 public employer who are not covered by Medicare, Parts A and B.  
1327 The department may authorize one company to offer such coverage  
1328 if the proposed benefits and premiums are reasonable. If such  
1329 coverage is authorized, all premiums shall be paid for by the  
1330 retiree.

1331 Section 30. Paragraph (a) of subsection (1) of section  
1332 110.1245, Florida Statutes, is amended to read:

1333 110.1245 Savings sharing program; bonus payments; other  
1334 awards.—

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1335 (1) (a) The department ~~of Management Services~~ shall adopt  
1336 rules that prescribe procedures and promote a savings sharing  
1337 program for an individual or group of employees who propose  
1338 procedures or ideas that are adopted and that result in  
1339 eliminating or reducing state expenditures, if such proposals  
1340 are placed in effect and may be implemented under current  
1341 statutory authority.

1342 Section 31. Section 110.125, Florida Statutes, is amended  
1343 to read:

1344 110.125 Administrative costs.—The administrative expenses  
1345 and costs of operating the personnel program established by this  
1346 chapter shall be paid by the various state agencies ~~of the state~~  
1347 ~~government~~, and each such agency shall include in its budget  
1348 estimates its pro rata share of such cost as determined by the  
1349 department ~~of Management Services~~. To establish an equitable  
1350 division of the costs, the amount to be paid by each agency  
1351 shall be determined in such proportion as the service rendered  
1352 to each agency bears to the total service rendered under ~~the~~  
1353 ~~provisions of~~ this chapter. The amounts paid to the department  
1354 ~~of Management Services~~ which are attributable to positions  
1355 within the Senior Management Service and the Selected Exempt  
1356 ~~Professional~~ Service shall be used for the administration of  
1357 such services, training activities for positions within those  
1358 services, and the development and implementation of a database  
1359 of pertinent historical information on exempt positions. If  
1360 ~~Should~~ any state agency is ~~become~~ more than 90 days delinquent  
1361 in paying ~~payment of~~ this obligation, the department shall  
1362 certify to the Chief Financial Officer the amount due and the  
1363 Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~ to

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1364 the department from any available debtor agency funds ~~available~~.

1365 Section 32. Subsection (7) of section 110.131, Florida  
1366 Statutes, is amended to read:

1367 110.131 Other-personal-services temporary employment.—

1368 (7) The department ~~of Management Services~~ shall annually  
1369 assess agencies for the regulation of other personal services on  
1370 a pro rata share basis not to exceed the ~~an~~ amount ~~as~~ provided  
1371 in the General Appropriations Act.

1372 Section 33. Section 110.151, Florida Statutes, is amended  
1373 to read:

1374 110.151 State officers' and employees' child care  
1375 services.—

1376 (1) The department ~~of Management Services~~ shall approve,  
1377 administer, and coordinate child care services for state  
1378 officers' and employees' children or dependents. Duties ~~shall~~  
1379 include, but are not ~~be~~ limited to, reviewing and approving  
1380 requests from state agencies for child care services; providing  
1381 technical assistance on child care program startup and  
1382 operation; and assisting other agencies in conducting needs  
1383 assessments, designing centers, and selecting service providers.  
1384 Primary emphasis for child care services shall be given to  
1385 children who are not subject to compulsory school attendance  
1386 pursuant to part II of chapter 1003, and, to the extent  
1387 possible, ~~emphasis shall be placed~~ on child care for children  
1388 aged 2 and under.

1389 (2) Child care programs may be located in state-owned  
1390 office buildings, educational facilities and institutions,  
1391 custodial facilities and institutions, and, with the consent of  
1392 the President of the Senate and the Speaker of the House of

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1393 Representatives, in buildings or spaces used for legislative  
1394 activities. In addition, centers may be located in privately  
1395 owned buildings conveniently located to the place of employment  
1396 of those officers and employees to be served by the centers. If  
1397 a child care program is located in a state-owned office  
1398 building, educational facility or institution, or custodial  
1399 facility or institution, or in a privately owned building leased  
1400 by the state, a portion of the service provider's rental fees  
1401 for child care space may be waived by the sponsoring agency in  
1402 accordance with ~~the department rules of the Department of~~  
1403 ~~Management Services~~. Additionally, the sponsoring state agency  
1404 may be responsible for the maintenance, utilities, and other  
1405 operating costs associated with the child care center.

1406 (3) Except as otherwise provided in this section, the cost  
1407 of child care services shall be offset by fees charged to  
1408 employees who use the ~~child care~~ services. Requests for  
1409 proposals may provide for a sliding fee schedule based on, ~~with~~  
1410 ~~fees charged on the basis of~~ the employee's household income.

1411 (4) The provider of proposed child care services shall be  
1412 selected by competitive contract. Requests for proposals shall  
1413 be developed with the assistance of, and subject to the approval  
1414 of, the department ~~of Management Services~~. Management of the  
1415 contract with the service provider is ~~shall be~~ the  
1416 responsibility of the sponsoring state agency.

1417 (5) An operator selected to provide services must comply  
1418 with all state and local standards for the licensure and  
1419 operation of child care facilities, maintain adequate liability  
1420 insurance coverage, and assume financial and legal  
1421 responsibility for the operation of the program. ~~Neither~~ The

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1422 operator of and ~~nor~~ any personnel employed by or at a child care  
1423 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
1424 However, the sponsoring state agency may be responsible for the  
1425 operation of the child care center if ~~when~~:

1426 (a) A second request for proposals fails to procure a  
1427 qualified service provider; or

1428 (b) The service provider's contract is canceled and  
1429 attempts to procure another qualified service provider are  
1430 unsuccessful;

1431  
1432 and plans for direct operation are approved by the department ~~of~~  
1433 ~~Management Services~~.

1434 (6) In the areas where the state has an insufficient number  
1435 of employees to justify a worksite center, a state agency may  
1436 join in a consortium arrangement using ~~utilizing~~ available state  
1437 facilities with not-for-profit corporations or other public  
1438 employers to provide child care services to both public  
1439 employees and employees of private sector employers. The  
1440 consortium agreement must first address the unmet child care  
1441 needs of the children of the public employees whose employers  
1442 are members of the consortium, and then address the child care  
1443 needs of private sector employees.

1444 (7) The department ~~of Management Services~~ may adopt ~~any~~  
1445 rules necessary to administer ~~achieve the purposes of~~ this  
1446 section.

1447 Section 34. Section 110.1522, Florida Statutes, is amended  
1448 to read:

1449 110.1522 Model rule establishing family support personnel  
1450 policies.—The department ~~of Management Services~~ shall develop a

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1451 model rule establishing family support personnel policies for  
1452 all executive branch agencies, excluding the State University  
1453 System. The term "family support personnel policies," for  
1454 purposes of ss. 110.1521-110.1523, means personnel policies  
1455 affecting employees' ability to both work and devote care and  
1456 attention to their families and includes policies on flexible  
1457 hour work schedules, compressed time, job sharing, part-time  
1458 employment, maternity or paternity leave for employees with a  
1459 newborn or newly adopted child, and paid and unpaid family or  
1460 administrative leave for family responsibilities.

1461 Section 35. Subsections (5), (6), and (7) of section  
1462 110.161, Florida Statutes, are amended to read:

1463 110.161 State employees; pretax benefits program.—

1464 (5) The department ~~of Management Services~~ shall develop  
1465 rules for the pretax benefits program, which shall specify the  
1466 benefits to be offered under the program, the continuing tax-  
1467 exempt status of the program, and any other matters deemed  
1468 necessary by the department to implement this section. The rules  
1469 must be approved by a majority vote of the Administration  
1470 Commission.

1471 (6) The department shall ~~of Management Services is~~  
1472 ~~authorized to~~ administer the pretax benefits program ~~established~~  
1473 for all employees so that employees may receive benefits that  
1474 are not includable in gross income under the Internal Revenue  
1475 Code of 1986. The pretax benefits program:

1476 (a) Must ~~shall~~ allow employee contributions to premiums for  
1477 the state group insurance program administered under s. 110.123  
1478 to be paid on a pretax basis unless an employee elects not to  
1479 participate.

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1480 (b) Must ~~Shall~~ allow employees to voluntarily establish  
1481 expense reimbursement plans from their salaries on a pretax  
1482 basis to pay for qualified medical and dependent care expenses,  
1483 including premiums paid by employees for qualified supplemental  
1484 insurance.

1485 (c) May provide for the payment of ~~such~~ premiums through a  
1486 pretax payroll procedure. The Administration Commission and the  
1487 department ~~of Management Services~~ are directed to take all  
1488 actions necessary to preserve the tax-exempt status of the  
1489 program.

1490 (7) The Legislature recognizes that a substantial amount of  
1491 the employer savings realized by the implementation of a pretax  
1492 benefits program is ~~will be~~ the result of diminutions in the  
1493 state's employer contribution to the Federal Insurance  
1494 Contributions Act tax. ~~There is hereby created~~ The Pretax  
1495 Benefits Trust Fund is created in the department ~~of Management~~  
1496 ~~Services~~. Each agency in the executive, legislative, or judicial  
1497 branch of the state, including the State Board of  
1498 Administration, state universities, and other entities of state  
1499 government whose employees hold salaried positions and are paid  
1500 by state warrant or from agency funds, shall transfer to the  
1501 Pretax Benefits Trust Fund the full and complete employer FICA  
1502 contributions saved in connection with each weekly, biweekly,  
1503 semimonthly, or monthly payroll as a result of the  
1504 implementation of the pretax benefits program authorized  
1505 pursuant to this section. Such savings shall be transferred to  
1506 the Pretax Benefits Trust Fund upon transacting each payroll,  
1507 but not later than a subsequent payroll. Any moneys forfeited  
1508 pursuant to employees' salary reduction agreements to

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1509 participate in the program must also be deposited in the Pretax  
1510 Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund  
1511 shall be used for the pretax benefits program, including its  
1512 administration by the department ~~of Management Services~~ or a  
1513 third-party administrator.

1514 Section 36. Subsection (1) of section 110.171, Florida  
1515 Statutes, is amended to read:

1516 110.171 State employee telecommuting program.—

1517 (1) As used in this section, the term:

1518 (a) "Agency" means any official, officer, commission,  
1519 board, authority, council, committee, or department of state  
1520 government.

1521 ~~(b) "Department" means the Department of Management~~  
1522 ~~Services.~~

1523 (b) ~~(e)~~ "Telecommuting" means a work arrangement whereby  
1524 selected state employees are allowed to perform the normal  
1525 duties and responsibilities of their positions, through the use  
1526 of computers or telecommunications, at home or another place  
1527 apart from the employees' usual place of work.

1528 Section 37. Paragraph (a) of subsection (1), paragraph (a)  
1529 of subsection (2), and subsection (4) of section 110.181,  
1530 Florida Statutes, are amended to read:

1531 110.181 Florida State Employees' Charitable Campaign.—

1532 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

1533 (a) The department ~~of Management Services~~ shall establish  
1534 and maintain, in coordination with the payroll system of the  
1535 Department of Financial Services, an annual Florida State  
1536 Employees' Charitable Campaign. Except as provided in subsection  
1537 (5), this annual fundraising drive is the only authorized

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1538 charitable fundraising drive directed toward state employees  
1539 within work areas during work hours, and for which the state  
1540 provides ~~will provide~~ payroll deduction.

1541 (2) SELECTION OF FISCAL AGENTS; COST.—

1542 (a) The department ~~of Management Services~~ shall select  
1543 through the competitive procurement process a fiscal agent or  
1544 agents to receive, account for, and distribute charitable  
1545 contributions among participating charitable organizations.

1546 (4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STEERING  
1547 COMMITTEE.—A Florida State Employees' Charitable Campaign  
1548 steering committee shall be established with seven members  
1549 appointed by members of the administration commission, and two  
1550 members appointed by the executive director ~~secretary~~ of the  
1551 department from among applications submitted from other agencies  
1552 or departments. The committee, whose members shall serve  
1553 staggered terms, shall meet at the call of the executive  
1554 director ~~secretary~~. Members shall serve without compensation,  
1555 but shall be entitled to receive reimbursement for travel and  
1556 per diem expenses as provided in s. 112.061.

1557 Section 38. Subsection (1) of section 110.2035, Florida  
1558 Statutes, is amended to read:

1559 110.2035 Classification and compensation program.—

1560 (1) The department ~~of Management Services~~ shall establish  
1561 and maintain a classification and compensation program  
1562 addressing career service, selected exempt service, and senior  
1563 management service positions. Actions ~~No action~~ may not be taken  
1564 to fill any position until it has been classified in accordance  
1565 with the classification plan.

1566 (a) The department shall develop occupation profiles

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1567 necessary for the establishment of new occupations or for the  
1568 revision of existing occupations and shall adopt the appropriate  
1569 occupation title and broadband level code for each occupation.  
1570 Such occupation profiles, titles, and codes are ~~shall~~ not  
1571 ~~constitute~~ rules within the meaning of s. 120.52.

1572 (b) The department shall be responsible for conducting  
1573 periodic studies and surveys to ensure that the classification  
1574 plan is maintained on a current basis.

1575 (c) The department may review in a postaudit capacity the  
1576 action taken by an employing agency in classifying or  
1577 reclassifying a position.

1578 (d) The department shall effect a classification change on  
1579 any classification or reclassification action taken by an  
1580 employing agency if the action taken by the agency was not based  
1581 on the duties and responsibilities officially assigned the  
1582 position as they relate to the concepts and description  
1583 contained in the official occupation profile and the level  
1584 definition ~~defined~~ in the occupational group characteristics  
1585 adopted by the department.

1586 (e) In cooperation and consultation with the employing  
1587 agencies, the department shall adopt rules necessary to  
1588 administer ~~govern the administration of~~ the classification plan.  
1589 Such rules shall be approved by the Administration Commission  
1590 before ~~prior to~~ their adoption by the department.

1591 Section 39. Subsection (1) of section 110.2037, Florida  
1592 Statutes, is amended to read:

1593 110.2037 Alternative benefits; tax-sheltered annual leave  
1594 and sick leave payments and special compensation payments.—

1595 (1) The department may ~~of Management Services has authority~~

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1596 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal  
1597 Revenue Code for state employees who are eligible for payment  
1598 for accumulated leave. ~~The department,~~ Upon adoption of the  
1599 plans, the department shall contract for a private vendor or  
1600 vendors to administer the plans. These plans are ~~shall be~~  
1601 limited to state employees who are over age 55 and who are  
1602 eligible for accumulated leave and special compensation payments  
1603 and separating from employment with 10 years of service in  
1604 accordance with the Internal Revenue Code, or who are  
1605 participating in the Deferred Retirement Option Program on or  
1606 after July 1, 2001. The plans must provide benefits in a manner  
1607 that minimizes the tax liability of the state and participants.  
1608 The plans must be funded by employer contributions of payments  
1609 for accumulated leave or special compensation payments, or both,  
1610 as specified by the department. The plans must have received all  
1611 necessary federal and state approval as required by law, must  
1612 not adversely impact the qualified status of the Florida  
1613 Retirement System defined benefit or defined contribution plans  
1614 or the pretax benefits program, and must comply with the  
1615 provisions of s. 112.65. Adoption of any plan is contingent on  
1616 the department receiving appropriate favorable rulings from the  
1617 Internal Revenue Service; the department negotiating under the  
1618 provisions of chapter 447, where applicable; and the Chief  
1619 Financial Officer making appropriate changes to the state  
1620 payroll system. The department's request for proposals by  
1621 vendors ~~for such plans~~ may require that the vendors provide  
1622 market-risk or volatility ratings from recognized rating  
1623 agencies for each of their investment products. The department  
1624 shall provide ~~for~~ a system of continuous quality assurance

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1625 oversight to ensure that the program objectives are achieved and  
1626 that the program is prudently managed.

1627 Section 40. Subsections (4) and (6) of section 110.205,  
1628 Florida Statutes, as amended by chapter 2009-271, Laws of  
1629 Florida, are amended to read:

1630 110.205 Career service; exemptions.—

1631 (4) DEFINITION OF DEPARTMENT.—~~As when~~ used in this section,  
1632 the term "department" shall mean all departments and commissions  
1633 of the executive branch, whether created by the State  
1634 Constitution or chapter 20,~~†~~ the office of the Governor,~~†~~ and  
1635 the Public Service Commission; however, the term "department"  
1636 means ~~shall mean~~ the Department of Personnel Management Services  
1637 when used in the context of the authority to establish pay bands  
1638 and benefits.

1639 (6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,  
1640 DEPARTMENT OF FINANCIAL SERVICES.—~~In addition to those positions~~  
1641 ~~exempted from this part, there is hereby exempted from the~~  
1642 ~~Career Service System~~ The chief inspector of the boiler  
1643 inspection program of the Department of Financial Services is  
1644 exempted from Career Service. The pay band of this position  
1645 shall be established by the Department of Personnel Management  
1646 ~~Services~~ in accordance with the classification and pay plan  
1647 established for the Selected Exempt Service.

1648 Section 41. Subsection (2) of section 110.2135, Florida  
1649 Statutes, is amended to read:

1650 110.2135 Preference in employment, reemployment, promotion,  
1651 and retention.—

1652 (2) A disabled veteran employed as the result of being  
1653 placed at the top of the appropriate employment list under ~~the~~

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1654 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a  
1655 probationary period of 1 year. At the end of such period, if the  
1656 work of the veteran has been satisfactorily performed, the  
1657 veteran will acquire permanent employment status and ~~will~~ be  
1658 subject to the employment rules of the department ~~of Management~~  
1659 ~~Services~~ and the veteran's employing agency.

1660 Section 42. Paragraph (a) of subsection (3) of section  
1661 110.227, Florida Statutes, is amended to read:

1662 110.227 Suspensions, dismissals, reductions in pay,  
1663 demotions, layoffs, transfers, and grievances.—

1664 (3) (a) For ~~With regard to~~ law enforcement or correctional  
1665 officers, firefighters, or professional health care providers,  
1666 if when a layoff becomes necessary, the ~~such~~ layoff shall be  
1667 conducted within the competitive area identified by the agency  
1668 head and approved by the department ~~of Management Services~~. Such  
1669 competitive area shall be established taking into consideration  
1670 the similarity of work; the organizational unit, which may be by  
1671 agency, department, division, bureau, or other organizational  
1672 unit; and the commuting area for the work affected.

1673 Section 43. Subsections (1) and (2) of section 110.403,  
1674 Florida Statutes, are amended to read:

1675 110.403 Powers and duties of the department.—

1676 (1) In order to implement the purposes of this part, the  
1677 department ~~of Management Services~~, after approval by the  
1678 Administration Commission, shall adopt ~~and amend~~ rules that  
1679 provide ~~providing for~~:

1680 (a) A system for employing, promoting, or reassigning  
1681 managers that is responsive to organizational or program needs.  
1682 ~~In no event shall~~ The number of positions included in the Senior

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1683 Management Service may not exceed 1.0 percent of the total full-  
1684 time equivalent positions in the Career Service. The department  
1685 may not approve the establishment of ~~shall deny approval to~~  
1686 ~~establish~~ any position within the Senior Management Service  
1687 which exceeds ~~would exceed~~ the limitation established in this  
1688 paragraph. The department shall report that the limitation has  
1689 been reached to the Governor, the President of the Senate, and  
1690 the Speaker of the House of Representatives, as soon as  
1691 practicable after it ~~such event~~ occurs. Employees in the Senior  
1692 Management Service shall serve at the pleasure of the agency  
1693 head and are ~~shall be~~ subject to suspension, dismissal,  
1694 reduction in pay, demotion, transfer, or other personnel action  
1695 at the discretion of the agency head. Such personnel actions are  
1696 exempt from ~~the provisions of~~ chapter 120.

1697 (b) A performance appraisal system that takes ~~which shall~~  
1698 ~~take~~ into consideration individual and organizational  
1699 efficiency, productivity, and effectiveness.

1700 (c) A classification plan and a salary and benefit plan  
1701 that provides appropriate incentives for the recruitment and  
1702 retention of outstanding management personnel and provides ~~for~~  
1703 salary increases based on performance.

1704 (d) A system of rating duties and responsibilities for  
1705 positions within the Senior Management Service and the  
1706 qualifications of candidates for those positions.

1707 (e) A system for documenting actions taken on agency  
1708 requests for approval of position exemptions and special pay  
1709 increases.

1710 (f) Requirements for ~~regarding~~ recordkeeping by agencies  
1711 with respect to senior management service positions. Such

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1712 records shall be audited periodically by the department ~~of~~  
1713 ~~Management Services~~ to determine agency compliance with the  
1714 ~~provisions of this part and~~ department ~~the rules of the~~  
1715 ~~Department of Management Services.~~

1716 (g) Other procedures relating to personnel administration  
1717 to carry out the purposes of this part.

1718 (h) A program of affirmative and positive action that will  
1719 ensure full utilization of women and minorities in senior  
1720 management service positions.

1721 (2) The powers, duties, and functions of the department  
1722 includes ~~of Management Services shall include~~ responsibility for  
1723 the policy administration of the Senior Management Service.

1724 Section 44. Section 110.405, Florida Statutes, is amended  
1725 to read:

1726 110.405 Advisory committees.—The department's executive  
1727 director ~~Secretary of Management Services~~ may at any time  
1728 appoint an ad hoc or continuing advisory committee consisting of  
1729 members of the Senior Management Service or other persons  
1730 knowledgeable in the field of personnel management. ~~Any~~ Such  
1731 committee may not have ~~shall consist of not~~ more than nine  
1732 members, who shall serve at the pleasure of and meet at the call  
1733 of the director ~~secretary~~, to advise and consult with the  
1734 director ~~secretary~~ on such matters affecting the Senior  
1735 Management Service as the director ~~secretary~~ requests. Members  
1736 shall serve without compensation, but are ~~shall be~~ entitled to  
1737 ~~receive~~ reimbursement for travel expenses as provided in s.  
1738 112.061. The executive director ~~secretary~~ may periodically hire  
1739 a consultant who has ~~with~~ expertise in personnel management to  
1740 advise him or her with respect to the administration of the

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1741 Senior Management Service.

1742 Section 45. Paragraph (b) of subsection (2) and subsection  
1743 (3) of section 110.406, Florida Statutes, are amended to read:

1744 110.406 Senior Management Service; data collection.—

1745 (2) The data required by this section shall include:

1746 (b) Any recommendations and proposals for legislation which  
1747 the executive director ~~secretary~~ may have with respect to  
1748 improving the operation and administration of the Senior  
1749 Management Service.

1750 (3) To assist in the preparation of the data required by  
1751 this section, the executive director ~~secretary~~ may hire a  
1752 consultant with expertise in the field of personnel management  
1753 and may use the services of the advisory committee authorized in  
1754 s. 110.405.

1755 Section 46. Section 110.503, Florida Statutes, is amended  
1756 to read:

1757 110.503 Responsibilities of state ~~departments and~~  
1758 ~~agencies.~~—Each state ~~department or~~ agency using ~~utilizing~~ the  
1759 services of volunteers shall:

1760 (1) Take such actions as are necessary and appropriate to  
1761 develop meaningful opportunities for volunteers involved in  
1762 state-administered programs.

1763 (2) Comply with the uniform rules adopted by the department  
1764 ~~of Management Services~~ governing the recruitment, screening,  
1765 training, responsibility, use, and supervision of volunteers.

1766 (3) Take such actions as are necessary to ensure that  
1767 volunteers understand their duties and responsibilities.

1768 (4) Take such actions as are necessary and appropriate to  
1769 ensure a receptive climate for citizen volunteers.

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1770 (5) Provide for the recognition of volunteers who have  
1771 offered continuous and outstanding service to state-administered  
1772 programs. Each state department ~~or~~ agency using the services of  
1773 volunteers may ~~is authorized to~~ incur expenditures not to exceed  
1774 \$100 each plus applicable taxes for suitable framed  
1775 certificates, plaques, or other tokens of recognition to honor,  
1776 reward, or encourage volunteers for their service.

1777 (6) Recognize prior volunteer service as partial  
1778 fulfillment of state employment requirements for training and  
1779 experience pursuant to department rules ~~adopted by the~~  
1780 ~~Department of Management Services~~.

1781 Section 47. Subsection (5) of section 110.605, Florida  
1782 Statutes, is amended to read:

1783 110.605 Powers and duties; personnel rules, records,  
1784 reports, and performance appraisal.—

1785 (5) The executive director ~~secretary~~ may periodically hire  
1786 a consultant with expertise in personnel management to advise  
1787 him or her with respect to the administration of the Selected  
1788 Exempt Service.

1789 Section 48. Paragraph (b) of subsection (2) and subsection  
1790 (3) of section 110.606, Florida Statutes, are amended to read:

1791 110.606 Selected Exempt Service; data collection.—

1792 (2) The data required by this section shall include:

1793 (b) Any recommendations and proposals for legislation which  
1794 the executive director ~~secretary~~ may have with respect to  
1795 improving the operation and administration of the Selected  
1796 Exempt Service.

1797 (3) To assist in the preparation of the data required by  
1798 this section, the executive director ~~secretary~~ may hire a

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1799 consultant with expertise in the field of personnel management.

1800 Section 49. Paragraph (c) of subsection (13) of section  
1801 112.0455, Florida Statutes, is amended to read:

1802 112.0455 Drug-Free Workplace Act.—

1803 (13) RULES.—

1804 (c) The Department of Personnel Management ~~Services~~ may  
1805 adopt rules for all executive branch agencies implementing this  
1806 section.

1807

1808 This section shall not be construed to eliminate the bargainable  
1809 rights as provided in the collective bargaining process where  
1810 applicable.

1811 Section 50. Paragraph (b) of subsection (4) of section  
1812 112.05, Florida Statutes, is amended to read:

1813 112.05 Retirement; cost-of-living adjustment; employment  
1814 after retirement.—

1815 (4)

1816 (b) Any person to whom the limitation in paragraph (a)  
1817 applies who violates such ~~reemployment~~ limitation and is  
1818 reemployed with any agency participating in the Florida  
1819 Retirement System before completing ~~prior to completion of~~ the  
1820 12-month limitation period must ~~shall~~ give timely notice of this  
1821 fact in writing to the employer and to the Division of of  
1822 Retirement; and the person's retirement benefits shall be  
1823 suspended for the balance of the 12-month limitation period. Any  
1824 person employed in violation of this subsection and any  
1825 employing agency that ~~which~~ knowingly employs or appoints such  
1826 person without notifying the Department of Personnel Management  
1827 ~~Services~~ to suspend retirement benefits is ~~shall be~~ jointly and

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1828 severally liable for reimbursement to the retirement trust fund  
1829 of any benefits paid during the ~~reemployment~~ limitation period.  
1830 To avoid liability, the ~~such~~ employing agency must ~~shall~~ have a  
1831 written statement from the retiree that he or she is not retired  
1832 from a state-administered retirement system. Any retirement  
1833 benefits received by such person while reemployed during this  
1834 limitation period must ~~shall~~ be repaid to the retirement trust  
1835 fund, and the retirement benefits ~~shall~~ remain suspended until  
1836 such repayment has been made. Any benefits suspended beyond the  
1837 reemployment limitation period ~~shall~~ apply toward the repayment  
1838 of benefits received in violation of the reemployment  
1839 limitation.

1840 Section 51. Subsection (5) of section 112.08, Florida  
1841 Statutes, is amended to read:

1842 112.08 Group insurance for public officers, employees, and  
1843 certain volunteers; physical examinations.-

1844 (5) The Department of Personnel Management ~~Services~~ shall  
1845 initiate and supervise a group insurance program providing death  
1846 and disability benefits for active members of the Florida  
1847 Highway Patrol Auxiliary, with coverage beginning July 1, 1978,  
1848 and purchased from state funds appropriated for that purpose.  
1849 The department ~~of Management Services~~, in cooperation with the  
1850 Office of Insurance Regulation, shall prepare specifications  
1851 necessary to implement the program, and ~~the Department of~~  
1852 ~~Management Services~~ shall receive bids and award the contract in  
1853 accordance with general law.

1854 Section 52. Section 112.0804, Florida Statutes, is amended  
1855 to read:

1856 112.0804 Medicare supplement and health insurance for

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1857 retirees under the Florida Retirement System; ~~Medicare~~  
1858 ~~supplement and fully insured coverage.~~-

1859 (1) The Department of Personnel Management ~~Services~~ shall  
1860 solicit competitive bids from state-licensed insurance companies  
1861 to provide and administer a fully insured Medicare supplement  
1862 policy for all eligible retirees of a state or local public  
1863 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the  
1864 provisions of ss. 627.671-627.675. For the purpose of this  
1865 subsection, the term "eligible retiree" means any public  
1866 employee who retired from a state or local public employer who  
1867 is covered by Medicare, Parts A and B. The department ~~of~~  
1868 ~~Management Services~~ shall authorize one company to offer the  
1869 Medicare supplement coverage to all eligible retirees. All  
1870 premiums shall be paid by the retiree.

1871 (2) The Department of Management Services shall solicit  
1872 competitive bids from state-licensed insurance companies to  
1873 provide and administer fully insured health insurance coverage  
1874 for all public employees who retired from a state or local  
1875 public employer and who are not covered by Medicare, Parts A and  
1876 B. The department ~~of Management Services~~ may authorize one  
1877 company to offer such coverage if the proposed benefits and  
1878 premiums are reasonable. If such coverage is authorized, all  
1879 premiums shall be paid for by the retiree.

1880 Section 53. Subsections (1) and (2) of section 112.24,  
1881 Florida Statutes, are amended to read:

1882 112.24 Intergovernmental interchange of public employees.-  
1883 To encourage economical and effective utilization of public  
1884 employees in this state, the temporary assignment of employees  
1885 among agencies of government, both state and local, and

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1886 including school districts and public institutions of higher  
1887 education is authorized under terms and conditions set forth in  
1888 this section. State agencies, municipalities, and political  
1889 subdivisions are authorized to enter into employee interchange  
1890 agreements with other state agencies, the Federal Government,  
1891 another state, a municipality, or a political subdivision  
1892 including a school district, or with a public institution of  
1893 higher education. State agencies are also authorized to enter  
1894 into employee interchange agreements with private institutions  
1895 of higher education and other nonprofit organizations under the  
1896 terms and conditions provided in this section. In addition, the  
1897 Governor or the Governor and Cabinet may enter into employee  
1898 interchange agreements with a state agency, the Federal  
1899 Government, another state, a municipality, or a political  
1900 subdivision including a school district, or with a public  
1901 institution of higher learning to fill, subject to the  
1902 requirements of chapter 20, appointive offices which are within  
1903 the executive branch of government and which are filled by  
1904 appointment by the Governor or the Governor and Cabinet. Under  
1905 no circumstances shall employee interchange agreements be  
1906 utilized for the purpose of assigning individuals to participate  
1907 in political campaigns. Duties and responsibilities of  
1908 interchange employees shall be limited to the mission and goals  
1909 of the agencies of government.

1910 (1) Details of an employee interchange program must ~~shall~~  
1911 be the subject of an agreement, which may be extended or  
1912 modified, between a sending party and a receiving party. State  
1913 agencies shall report such agreements and any extensions or  
1914 modifications ~~thereto~~ to the Department of Personnel Management

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1915 ~~Services.~~

1916 (2) The period of an individual's assignment or detail  
1917 under an employee interchange program may ~~shall~~ not exceed 2  
1918 years. Upon agreement of the sending party and the receiving  
1919 party and under the same or modified terms, an assignment or  
1920 detail of 2 years may be extended by 3 months. However,  
1921 agreements relating to faculty members of the State University  
1922 System may be extended biennially upon approval by the  
1923 Department of Personnel Management ~~Services~~. If the appointing  
1924 agency is the Governor or the Governor and Cabinet, the period  
1925 of an individual's assignment or detail under an employee  
1926 interchange program may ~~shall~~ not exceed 2 years plus an  
1927 extension of 3 months or the number of years left in the term of  
1928 office of the Governor, whichever is less.

1929 Section 54. Paragraph (d) of subsection (4) of section  
1930 112.3173, Florida Statutes, is amended to read:

1931 112.3173 Felonies involving breach of public trust and  
1932 other specified offenses by public officers and employees;  
1933 forfeiture of retirement benefits.—

1934 (4) NOTICE.—

1935 (d) The Commission on Ethics shall forward any notice and  
1936 any other document received by it pursuant to this subsection to  
1937 the governing body of the public retirement system of which the  
1938 public officer or employee is a member or from which the public  
1939 officer or employee may be entitled to receive a benefit. If  
1940 ~~When~~ called on by the Commission on Ethics, the Department of  
1941 Personnel Management ~~Services~~ shall assist the commission in  
1942 identifying the appropriate public retirement system.

1943 Section 55. Paragraph (a) of subsection (3) of section

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1944 112.31895, Florida Statutes, is amended to read:

1945 112.31895 Investigative procedures in response to  
1946 prohibited personnel actions.—

1947 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

1948 (a) The Florida Commission on Human Relations, in  
1949 accordance with the Whistle-blower's ~~this~~ Act and for the sole  
1950 purpose of the ~~this~~ act, is empowered to:

1951 1. Receive and investigate complaints from employees  
1952 alleging retaliation by state agencies, as the term "state  
1953 agency" is defined in s. 216.011.

1954 2. Protect employees and applicants for employment with  
1955 such agencies from prohibited personnel practices under s.  
1956 112.3187.

1957 3. Petition for stays and petition for corrective actions,  
1958 including, but not limited to, temporary reinstatement.

1959 4. Recommend disciplinary proceedings pursuant to  
1960 investigation and appropriate agency rules and procedures.

1961 5. Coordinate with the Chief Inspector General in the  
1962 Executive Office of the Governor and the Florida Commission on  
1963 Human Relations to receive, review, and forward to appropriate  
1964 agencies, legislative entities, or the Department of Law  
1965 Enforcement disclosures of a violation of any law, rule, or  
1966 regulation, or disclosures of gross mismanagement, malfeasance,  
1967 misfeasance, nonfeasance, neglect of duty, or gross waste of  
1968 public funds.

1969 6. Review rules pertaining to personnel matters issued or  
1970 proposed by the Department of Personnel Management ~~Services~~, the  
1971 Public Employees Relations Commission, and other agencies, and,  
1972 if the Florida Commission on Human Relations finds that any rule

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1973 or proposed rule, on its face or as implemented, requires the  
1974 commission of a prohibited personnel practice, provide a written  
1975 comment to the appropriate agency.

1976 7. Investigate, request assistance from other governmental  
1977 entities, and, if appropriate, bring actions concerning,  
1978 allegations of retaliation by state agencies under subparagraph  
1979 1.

1980 8. Administer oaths, examine witnesses, take statements,  
1981 issue subpoenas, order the taking of depositions, order  
1982 responses to written interrogatories, and make appropriate  
1983 motions to limit discovery, pursuant to investigations under  
1984 subparagraph 1.

1985 9. Intervene or otherwise participate, as a matter of  
1986 right, in any appeal or other proceeding arising under this  
1987 section before the Public Employees Relations Commission or any  
1988 other appropriate agency, except that the Florida Commission on  
1989 Human Relations must comply with the rules of the commission or  
1990 other agency and may not seek corrective action or intervene in  
1991 an appeal or other proceeding without the consent of the person  
1992 protected under ss. 112.3187-112.31895.

1993 10. Conduct an investigation, in the absence of an  
1994 allegation, to determine whether reasonable grounds exist to  
1995 believe that a prohibited action or a pattern of prohibited  
1996 action has occurred, is occurring, or is to be taken.

1997 Section 56. Subsection (7) of section 112.352, Florida  
1998 Statutes, is amended to read:

1999 112.352 Definitions.—The following words and phrases as  
2000 used in this act shall have the following meaning unless a  
2001 different meaning is required by the context:

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2002 (7) "Department" means the Department of Personnel  
2003 Management ~~Services~~.

2004 Section 57. Section 112.354, Florida Statutes, is amended  
2005 to read:

2006 112.354 Eligibility for supplement.—Each retired member or,  
2007 if applicable, a joint annuitant, except any person receiving  
2008 survivor benefits under the teachers' retirement system of the  
2009 state in accordance with s. 238.07(18), is ~~shall be~~ entitled to  
2010 receive a supplement computed in accordance with s. 112.355  
2011 upon:

2012 (1) Furnishing to the department ~~of Management Services~~  
2013 evidence from the Social Security Administration of setting  
2014 ~~forth~~ the retired member's social security benefit or certifying  
2015 the noninsured status of the retired member under the Social  
2016 Security Act, and

2017 (2) Filing written application ~~with the Department of~~  
2018 ~~Management Services~~ for such supplement with the department.

2019 Section 58. Section 112.358, Florida Statutes, is amended  
2020 to read:

2021 112.358 Administration of system.—The department ~~of~~  
2022 ~~Management Services~~ shall adopt ~~make such~~ rules and regulations  
2023 as ~~are~~ necessary for the effective and efficient administration  
2024 of this part act and the cost to pay the expenses of such  
2025 administration is ~~hereby~~ appropriated out of the appropriate  
2026 retirement fund.

2027 Section 59. Paragraph (g) of subsection (2) of section  
2028 112.361, Florida Statutes, is amended to read:

2029 112.361 Additional and updated supplemental retirement  
2030 benefits.—

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2031 (2) DEFINITIONS.—As used in this section, unless a  
2032 different meaning is required by the context:

2033 ~~(g) "Department" means the Department of Management~~  
2034 ~~Services.~~

2035 Section 60. Paragraphs (a) and (b) of subsection (4) of  
2036 section 112.362, Florida Statutes, are amended to read:

2037 112.362 Recomputation of retirement benefits.—

2038 (4) (a) Effective July 1, 1980, any person who retired  
2039 before ~~prior to~~ July 1, 1987, under a state-supported retirement  
2040 system with at least ~~not less than~~ 10 years of creditable  
2041 service and who is not receiving or entitled to receive federal  
2042 social security benefits shall, upon reaching 65 years of age  
2043 and upon application to the department ~~of Management Services,~~  
2044 ~~be entitled to~~ receive a minimum monthly benefit equal to \$16.50  
2045 multiplied by the member's total number of years of creditable  
2046 service and adjusted by the actuarial factor applied to the  
2047 original benefit for optional forms of retirement. Thereafter,  
2048 the minimum monthly benefit shall be recomputed as provided in  
2049 paragraph (5) (a). Application for this minimum monthly benefit  
2050 must ~~shall~~ include certification by the retired member that he  
2051 or she is not receiving and is not entitled to receive social  
2052 security benefits and ~~shall~~ include written authorization giving  
2053 ~~for the department of Management Services to have access to~~  
2054 information from the Federal Social Security Administration  
2055 concerning the member's entitlement to or eligibility for social  
2056 security benefits. The minimum benefit may ~~provided by this~~  
2057 ~~paragraph shall~~ not be paid unless ~~and until~~ the application  
2058 requirements of this paragraph are satisfied.

2059 (b) Effective July 1, 1978, the surviving spouse or

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2060 beneficiary who is receiving or entitled to receive a monthly  
2061 benefit commencing before ~~prior to~~ July 1, 1987, from the  
2062 account of a ~~any~~ deceased retired member who had completed at  
2063 least 10 years of creditable service shall, at the time the ~~such~~  
2064 deceased retiree would have reached age 65, if living, and, upon  
2065 application to the department ~~of Management Services~~, ~~be~~  
2066 ~~entitled to~~ receive the minimum monthly benefit described in  
2067 paragraph (a), adjusted by the actuarial factor applied to the  
2068 optional form of benefit payable to the said surviving spouse or  
2069 beneficiary, if such ~~provided said~~ person is not receiving or  
2070 entitled to receive federal social security benefits.

2071 Application for this minimum monthly benefit must ~~shall~~ include  
2072 certification by the surviving spouse or beneficiary that he or  
2073 she is not receiving and is not entitled to receive social  
2074 security benefits and ~~shall~~ include written authorization giving  
2075 ~~for~~ the department ~~of Management Services~~ to have access to  
2076 information from the Federal Social Security Administration  
2077 concerning such person's entitlement to or eligibility for  
2078 social security benefits. The minimum benefit may ~~provided by~~  
2079 ~~this paragraph shall~~ not be paid unless and until the  
2080 application requirements of this paragraph are satisfied.

2081 Section 61. Paragraph (d) of subsection (2) and subsections  
2082 (4), (7), and (8) of section 112.363, Florida Statutes, are  
2083 amended to read:

2084 112.363 Retiree health insurance subsidy.—

2085 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

2086 (d) Payment of the retiree health insurance subsidy shall  
2087 be made only after coverage for health insurance for the retiree  
2088 or beneficiary has been certified in writing to the department

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2089 ~~of Management Services~~. Participation in a former employer's  
2090 group health insurance program is not a requirement for  
2091 eligibility under this section. Coverage issued pursuant to s.  
2092 408.9091 is considered health insurance for the purposes of this  
2093 section.

2094 (4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning  
2095 January 1, 1988, any monthly retiree health insurance subsidy  
2096 amount due and payable under this section shall be paid to  
2097 retired members by the department ~~of Management Services~~ or  
2098 under the direction and control of the department.

2099 (7) ADMINISTRATION OF SYSTEM.—The department ~~of Management~~  
2100 ~~Services~~ may adopt ~~such rules and regulations~~ as are necessary  
2101 for the effective and efficient administration of this section.  
2102 The cost of administration shall be appropriated from the trust  
2103 fund.

2104 (8) CONTRIBUTIONS.—For purposes of funding the insurance  
2105 subsidy provided by this section:

2106 (a) Beginning October 1, 1987, the employer of each member  
2107 of a state-administered retirement plan shall contribute 0.24  
2108 percent of gross compensation each pay period.

2109 (b) Beginning January 1, 1989, the employer of each member  
2110 of a state-administered retirement plan shall contribute 0.48  
2111 percent of gross compensation each pay period.

2112 (c) Beginning January 1, 1994, the employer of each member  
2113 of a state-administered retirement plan shall contribute 0.56  
2114 percent of gross compensation each pay period.

2115 (d) Beginning January 1, 1995, the employer of each member  
2116 of a state-administered retirement plan shall contribute 0.66  
2117 percent of gross compensation each pay period.

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2118 (e) Beginning July 1, 1998, the employer of each member of  
2119 a state-administered retirement plan shall contribute 0.94  
2120 percent of gross compensation each pay period.

2121 (f) Beginning July 1, 2001, the employer of each member of  
2122 a state-administered plan shall contribute 1.11 percent of gross  
2123 compensation each pay period.

2124  
2125 Such contributions shall be submitted to the department ~~of~~  
2126 ~~Management Services~~ and deposited in the Retiree Health  
2127 Insurance Subsidy Trust Fund.

2128 Section 62. Subsections (2) and (4) of section 112.63,  
2129 Florida Statutes, are amended to read:

2130 112.63 Actuarial reports and statements of actuarial  
2131 impact; review.—

2132 (2) The frequency of actuarial reports must be at least  
2133 every 3 years commencing from the last actuarial report of the  
2134 plan or system or October 1, 1980, if no actuarial report has  
2135 been issued within the 3-year period prior to October 1, 1979.  
2136 The results of each actuarial report must ~~shall~~ be filed with  
2137 the plan administrator within 60 days after ~~of~~ certification.  
2138 Thereafter, the results of each ~~actuarial~~ report shall be made  
2139 available for inspection upon request. Additionally, each  
2140 retirement system or plan covered by this part ~~act~~ which is not  
2141 administered directly by the Department of Personnel Management  
2142 ~~Services~~ shall furnish a copy of each actuarial report to the  
2143 department ~~of Management Services~~ within 60 days after receipt  
2144 from the actuary. The requirements of this section are  
2145 supplemental to actuarial valuations necessary to comply with  
2146 ~~the requirements of~~ s. 218.39.

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2147 (4) Upon receipt, pursuant to subsection (2), of an  
2148 actuarial report, or upon receipt, pursuant to subsection (3),  
2149 of a statement of actuarial impact, the Department of Personnel  
2150 Management ~~Services~~ shall acknowledge such receipt, but shall  
2151 only review and comment on each retirement system's or plan's  
2152 actuarial valuations at least on a triennial basis. If the  
2153 department finds that the actuarial valuation is not complete,  
2154 accurate, or based on reasonable assumptions or otherwise  
2155 materially fails to satisfy the requirements of this part;; ~~if~~  
2156 ~~the department~~ requires additional material information  
2157 necessary to complete its review of the actuarial valuation of a  
2158 system or plan or material information necessary to satisfy the  
2159 duties of the department pursuant to s. 112.665(1);; ~~or if the~~  
2160 ~~department~~ does not receive the actuarial report or statement of  
2161 actuarial impact, the department shall notify the administrator  
2162 of the affected retirement system or plan and the affected  
2163 governmental entity and request appropriate adjustment, the  
2164 additional material information, or the required report or  
2165 statement. The notification must inform the administrator of the  
2166 affected retirement system or plan and the affected governmental  
2167 entity of the consequences of failing ~~for failure~~ to comply with  
2168 ~~the requirements of~~ this subsection. If, after a reasonable  
2169 period of time, a satisfactory adjustment is not made or the  
2170 report, statement, or additional material information is not  
2171 provided, the department may notify the Department of Revenue  
2172 and the Department of Financial Services of such noncompliance,  
2173 in which case the Department of Revenue and the Department of  
2174 Financial Services shall withhold any funds not pledged for  
2175 satisfaction of bond debt service which are payable to the

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2176 affected governmental entity until the adjustment is made or the  
2177 report, statement, or additional material information is  
2178 provided to the department. The department shall specify the  
2179 date such action is to begin, and notification by the department  
2180 must be received by the Department of Revenue, the Department of  
2181 Financial Services, and the affected governmental entity 30 days  
2182 before the date the action begins.

2183 (a) Within 21 days after receipt of the notice, the  
2184 affected governmental entity may petition for a hearing under  
2185 ss. 120.569 and 120.57 with the Department of Personnel  
2186 Management ~~Services~~. The Department of Revenue and the  
2187 Department of Financial Services may not be parties to ~~any~~ such  
2188 hearing, but may request to intervene if requested by the  
2189 department ~~of Management Services~~ or if the Department of  
2190 Revenue or the Department of Financial Services determines its  
2191 interests may be adversely affected by the hearing. If the  
2192 administrative law judge recommends in favor of the department,  
2193 the department shall perform an actuarial review, prepare the  
2194 statement of actuarial impact, or collect the requested material  
2195 information. The cost to the department of conducting ~~performing~~  
2196 such actuarial review, preparing the statement, or collecting  
2197 the requested material information shall be charged to the  
2198 affected governmental entity responsible for ~~of which~~ the  
2199 employees ~~are~~ covered by the retirement system or plan. If  
2200 payment of such costs is not received by the department within  
2201 60 days after receipt by the affected governmental entity of the  
2202 request for payment, the department shall certify to the  
2203 Department of Revenue and the Department of Financial Services  
2204 the amount due, and the Department of Revenue and the Department

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2205 of Financial Services shall pay such amount to the department ~~of~~  
2206 ~~Management Services~~ from any funds not pledged for satisfaction  
2207 of bond debt service which are payable to the affected  
2208 governmental entity ~~of which the employees are covered by the~~  
2209 ~~retirement system or plan~~. If the administrative law judge  
2210 recommends in favor of the affected governmental entity and the  
2211 department conducts ~~performs~~ an actuarial review, prepares the  
2212 statement of actuarial impact, or collects the requested  
2213 material information, the cost to the department of performing  
2214 the actuarial review, preparing the statement, or collecting the  
2215 requested material information shall be paid by the department  
2216 ~~of Management Services~~.

2217 (b) In the case of an affected special district, the  
2218 Department of Personnel ~~Management Services~~ shall also notify  
2219 the Department of Community Affairs. Upon receipt of  
2220 notification, the Department of Community Affairs shall proceed  
2221 pursuant to ~~the provisions of~~ s. 189.421 with regard to the  
2222 special district.

2223 Section 63. Subsection (1) of section 112.64, Florida  
2224 Statutes, is amended to read:

2225 112.64 Administration of funds; amortization of unfunded  
2226 liability.—

2227 (1) Employee contributions shall be deposited in the  
2228 retirement system or plan at least monthly. Employer  
2229 contributions shall be deposited at least quarterly; however,  
2230 any revenues received from any source by an employer which are  
2231 specifically collected for the purpose of allocation for deposit  
2232 into a retirement system or plan must ~~shall~~ be ~~se~~ deposited  
2233 within 30 days after ~~of~~ receipt by the employer. All employers

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2234 and employees participating in the Florida Retirement System and  
2235 other existing retirement systems that ~~which~~ are administered by  
2236 the Department of Personnel Management ~~Services~~ shall continue  
2237 to make contributions at least monthly.

2238 Section 64. Section 112.658, Florida Statutes, is amended  
2239 to read:

2240 112.658 Office of Program Policy Analysis and Government  
2241 Accountability to determine compliance of the Florida Retirement  
2242 System.—

2243 ~~(1)~~ The Office of Program Policy Analysis and Government  
2244 Accountability shall:

2245 (1) Determine, through the examination of actuarial  
2246 reviews, financial statements, and the practices and procedures  
2247 of the Department of Personnel Management ~~Services~~, the  
2248 compliance of the Florida Retirement System with the provisions  
2249 of this part ~~act~~.

2250 ~~(2) The Office of Program Policy Analysis and Government~~  
2251 ~~Accountability shall~~ Employ an independent consulting actuary  
2252 who is an enrolled actuary ~~as defined in this part~~ to assist in  
2253 the determination of compliance.

2254 ~~(3) The Office of Program Policy Analysis and Government~~  
2255 ~~Accountability shall~~ Employ the same actuarial standards to  
2256 monitor the Department of Personnel Management that ~~Services~~ ~~as~~  
2257 the department of ~~Management Services~~ uses to monitor local  
2258 governments.

2259 Section 65. Subsections (9), (16), and (17) of section  
2260 112.661, Florida Statutes, are amended to read:

2261 112.661 Investment policies.—Investment of the assets of  
2262 any local retirement system or plan must be consistent with a

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2263 written investment policy adopted by the board. Such policies  
2264 shall be structured to maximize the financial return to the  
2265 retirement system or plan consistent with the risks incumbent in  
2266 each investment and shall be structured to establish and  
2267 maintain an appropriate diversification of the retirement system  
2268 or plan's assets.

2269 (9) EXPECTED ANNUAL RATE OF RETURN.—The investment policy  
2270 must ~~shall~~ require that, for each actuarial valuation, the board  
2271 determine the total expected annual rate of return for the  
2272 current year, for each of the next several years, and for the  
2273 long term ~~thereafter~~. This determination must be filed promptly  
2274 with the Department of Personnel Management ~~Services~~ and with  
2275 the plan's sponsor and the consulting actuary. The department  
2276 shall use this determination ~~only~~ to notify the board, the  
2277 plan's sponsor, and consulting actuary only of material  
2278 differences between the total expected annual rate of return and  
2279 the actuarial assumed rate of return.

2280 (16) FILING OF INVESTMENT POLICY.—Upon adoption by the  
2281 board, the investment policy shall be promptly filed with the  
2282 Department of Personnel Management ~~Services~~ and the plan's  
2283 sponsor and consulting actuary. The effective date of the  
2284 investment policy, and any amendment ~~thereto~~, is ~~shall be~~ the  
2285 31st calendar day following the filing date with the plan  
2286 sponsor.

2287 (17) VALUATION OF ILLIQUID INVESTMENTS.—The investment  
2288 policy must ~~shall~~ provide for the valuation of illiquid  
2289 investments for which a generally recognized market is not  
2290 available or for which there is no consistent or generally  
2291 accepted pricing mechanism. If those investments are used

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2292 utilized, the investment policy must include the criteria ~~set~~  
2293 ~~forth~~ in s. 215.47(6), except that submission to the Investment  
2294 Advisory Council is not required. The investment policy must  
2295 ~~shall~~ require that, for each actuarial valuation, the board must  
2296 verify the determination of the fair market value for those  
2297 investments and ascertain that the determination complies with  
2298 all applicable state and federal requirements. The investment  
2299 policy must ~~shall~~ require that the board disclose to the  
2300 Department of Personnel Management ~~Services~~ and the plan's  
2301 sponsor each ~~such~~ investment for which the fair market value is  
2302 not provided.

2303 Section 66. Section 112.665, Florida Statutes, is amended  
2304 to read:

2305 112.665 Duties of Department of Personnel Management  
2306 ~~Services~~.—

2307 (1) The Department of Personnel Management ~~Services~~ shall:

2308 (a) Gather, catalog, and maintain complete, computerized  
2309 data information on all public employee retirement systems or  
2310 plans in the state, based upon a review of audits, reports, and  
2311 other data pertaining to the systems or plans;

2312 (b) Receive and comment upon all actuarial reviews of  
2313 retirement systems or plans maintained by units of local  
2314 government;

2315 (c) Cooperate with local retirement systems or plans on  
2316 matters of mutual concern and provide technical assistance to  
2317 units of local government in the assessment and revision of  
2318 retirement systems or plans;

2319 (d) Annually issue~~r~~, by January 1 ~~annually~~, a report to the  
2320 President of the Senate and the Speaker of the House of

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2321 Representatives, which ~~report~~ details division activities,  
2322 findings, and recommendations concerning all governmental  
2323 retirement systems. The report may include proposed legislation  
2324 ~~proposed~~ to carry out such recommendations;

2325 (e) Annually ~~issue~~, by January 1 ~~annually~~, a report to the  
2326 Special District Information Program of the Department of  
2327 Community Affairs which ~~that~~ includes the participation in and  
2328 compliance of special districts with the local government  
2329 retirement system provisions in s. 112.63 and the state-  
2330 administered retirement system provisions as specified in part I  
2331 of chapter 121; and

2332 (f) Adopt reasonable rules to administer ~~the provisions of~~  
2333 this part.

2334 (2) The Department of Personnel Management may subpoena  
2335 actuarial witnesses, review books and records, hold hearings,  
2336 and take testimony. A witness shall have the right to be  
2337 accompanied by counsel.

2338 Section 67. Subsection (1) of section 120.65, Florida  
2339 Statutes, is amended to read:

2340 120.65 Administrative law judges.—

2341 (1) The Division of Administrative Hearings within the  
2342 Department of Personnel Management ~~Services~~ shall be headed by a  
2343 director who shall be appointed by the Administration Commission  
2344 and confirmed by the Senate. The director, who shall also serve  
2345 as the chief administrative law judge, and any deputy chief  
2346 administrative law judge must possess the same minimum  
2347 qualifications as the administrative law judges employed by the  
2348 division. The Deputy Chief Judge of Compensation Claims must  
2349 possess the minimum qualifications established in s. 440.45(2)

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2350 and shall report to the director. The division shall be a  
2351 separate budget entity, and the director shall be its agency  
2352 head for all purposes. The department ~~of Management Services~~  
2353 shall provide administrative support and service to the division  
2354 to the extent requested by the director. The division is shall  
2355 ~~be~~ subject to control, supervision, or direction by the  
2356 department ~~of Management Services~~ in any manner, including, but  
2357 not limited to, personnel, purchasing, transactions involving  
2358 real or personal property, and budgetary matters.

2359 Section 68. Subsections (4), (5), and (32) of section  
2360 121.021, Florida Statutes, are amended to read:

2361 121.021 Definitions.—The following words and phrases as  
2362 used in this chapter have the respective meanings set forth  
2363 unless a different meaning is plainly required by the context:

2364 (4) "Department" means the Department of Personnel  
2365 Management ~~Services~~.

2366 (5) "Administrator" means the executive director ~~secretary~~  
2367 of the Department of Personnel Management ~~Services~~.

2368 (32) "State agency" means the Department of Personnel  
2369 Management ~~Services~~ within the provisions and contemplation of  
2370 chapter 650.

2371 Section 69. Section 121.025, Florida Statutes, is amended  
2372 to read:

2373 121.025 Administrator; powers and duties.—The executive  
2374 director ~~secretary~~ of the Department of Personnel Management is  
2375 ~~Services shall be~~ the administrator of the retirement and  
2376 pension systems assigned or transferred to the Department of  
2377 Personnel Management ~~Services by law~~ and shall ~~have the~~  
2378 ~~authority to sign~~ all ~~the~~ contracts necessary to carry out the

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2379 duties and responsibilities assigned ~~by law~~ to the department by  
2380 law of Management Services.

2381 Section 70. Subsections (1), (2), and (5) of section  
2382 121.031, Florida Statutes, are amended to read:

2383 121.031 Administration of system; appropriation; oaths;  
2384 actuarial studies; public records.—

2385 (1) The department may ~~of Management Services~~ has the  
2386 ~~authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~  
2387 to implement the provisions of law conferring duties upon the  
2388 department and ~~to adopt rules~~ as are necessary for the effective  
2389 and efficient administration of the retirement ~~this~~ system. The  
2390 funds to pay the expenses of administering ~~for administration of~~  
2391 the system are ~~hereby~~ appropriated from the interest earned on  
2392 investments made for the Retirement System Trust Fund and the  
2393 assessments allowed under chapter 650.

2394 (2) The department may ~~of Management Services~~ is authorized  
2395 ~~to~~ require oaths, by affidavit or otherwise, and acknowledgments  
2396 from persons in connection with administering ~~the administration~~  
2397 ~~of~~ its duties and responsibilities under this chapter.

2398 (5) The names and addresses of retirees are confidential  
2399 and exempt from ~~the provisions of~~ s. 119.07(1) such to the  
2400 ~~extent~~ that a ~~no~~ state or local governmental agency may not  
2401 provide the names or addresses of retirees ~~such persons~~ in  
2402 aggregate, compiled, or list form to any person except to a  
2403 public agency engaged in official business. However, a state or  
2404 local government agency may provide the names and addresses of  
2405 retirees from that agency to a bargaining agent as defined in s.  
2406 447.203(12) or to a retiree organization for official business  
2407 use. Lists of names or addresses of retirees may be exchanged by

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2408 public agencies, but such lists may ~~shall~~ not be provided to, or  
2409 open for inspection by, the public. Any person may view or copy  
2410 an ~~any~~ individual's retirement records at the department ~~of~~  
2411 ~~Management Services~~, one record at a time, or may obtain  
2412 information by a separate written request for a named individual  
2413 for which information is desired.

2414 Section 71. Paragraph (c) of subsection (1) and paragraph  
2415 (b) of subsection (2) of section 121.051, Florida Statutes, are  
2416 amended to read:

2417 121.051 Participation in the system.—

2418 (1) COMPULSORY PARTICIPATION.—

2419 (c)1. After June 30, 1983, a member of an existing system  
2420 who is reemployed after terminating employment shall have at the  
2421 time of reemployment the option of selecting to remain in the  
2422 existing retirement system or to transfer to the Florida  
2423 Retirement System. Failure to submit such selection in writing  
2424 to the department of Management Services within 6 months of  
2425 reemployment shall result in compulsory membership in the  
2426 Florida Retirement System.

2427 2. After June 30, 1988, the provisions of subparagraph 1.  
2428 shall not apply to a member of an existing retirement system who  
2429 is reemployed within 12 months after terminating employment.  
2430 Such member shall continue ~~to have~~ membership in the existing  
2431 system upon reemployment and may ~~shall~~ not be ~~permitted to~~  
2432 become a member of the Florida Retirement System, except by  
2433 transferring to that system as provided in ss. 121.052 and  
2434 121.055.

2435 (2) OPTIONAL PARTICIPATION.—

2436 (b)1. The governing body of a ~~any~~ municipality,

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2437 metropolitan planning organization, or special district ~~in the~~  
2438 ~~state~~ may elect to participate in the Florida Retirement System  
2439 upon proper application to the administrator and may cover all  
2440 or any of its units as approved by the Secretary of Health and  
2441 Human Services and the administrator. The department shall adopt  
2442 rules providing ~~establishing provisions~~ for the submission of  
2443 documents ~~necessary~~ for such application.

2444 1. Before ~~Prior to~~ being approved for participation in the  
2445 ~~Florida Retirement~~ system, the governing body of ~~any~~ such  
2446 municipality, metropolitan planning organization, or special  
2447 district that has a local retirement system shall submit ~~to the~~  
2448 ~~administrator~~ a certified financial statement to the  
2449 administrator showing the condition of the local retirement  
2450 system as of a date within 3 months before ~~prior to~~ the proposed  
2451 effective date of membership in the Florida Retirement System.  
2452 The statement must be certified by a recognized accounting firm  
2453 that is independent of the local retirement system. All required  
2454 documents necessary for extending Florida Retirement System  
2455 coverage must be received by the department ~~for consideration~~ at  
2456 least 15 days before ~~prior to~~ the proposed effective date of  
2457 coverage. If the municipality, metropolitan planning  
2458 organization, or special district does not comply with this  
2459 requirement, the department may change ~~require that~~ the  
2460 effective date of coverage ~~be changed~~.

2461 2. Any municipality ~~city~~, metropolitan planning  
2462 organization, or special district that has an existing  
2463 retirement system covering the employees in the units that are  
2464 to be brought under the Florida Retirement System may  
2465 participate only after holding a referendum in which all

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2466 employees in the affected units have the right to participate.  
2467 Only those employees electing coverage under the ~~Florida~~  
2468 ~~Retirement~~ system by affirmative vote in the said referendum are  
2469 ~~shall be~~ eligible for coverage under this chapter, and those not  
2470 participating or electing not to be covered by the Florida  
2471 Retirement System shall remain in their existing retirement  
2472 ~~present~~ systems and are ~~shall not be~~ eligible for coverage under  
2473 this chapter. After the referendum is held, all future employees  
2474 are ~~shall be~~ compulsory members of the Florida Retirement  
2475 System.

2476 3. The governing body of a municipality ~~any city,~~  
2477 metropolitan planning organization, or special district  
2478 complying with subparagraph 1. may elect to provide, or not  
2479 provide, benefits based on past service of officers and  
2480 employees as described in s. 121.081(1). However, if the ~~such~~  
2481 employer elects to provide past service benefits, such benefits  
2482 must be provided for all officers and employees of its covered  
2483 group.

2484 4. Once the ~~this~~ election is made and approved it may not  
2485 be revoked, except pursuant to subparagraphs 5. and 6., and all  
2486 present officers and employees electing coverage under this  
2487 chapter and all future officers and employees are ~~shall be~~  
2488 compulsory members of the Florida Retirement System.

2489 5. Subject to the conditions set forth in subparagraph 6.,  
2490 the governing body of a ~~any~~ hospital licensed under chapter 395  
2491 which is governed by the board of a special district as defined  
2492 in s. 189.403(1) or by the board of trustees of a public health  
2493 trust created under s. 154.07, hereinafter referred to as  
2494 "hospital district," and which participates in the system, may

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2495 elect to cease participation in the system with regard to future  
2496 employees in accordance with the following procedure:

2497 a. No more than 30 days and at least 7 days before adopting  
2498 a resolution to partially withdraw from the Florida Retirement  
2499 System and establish an alternative retirement plan for future  
2500 employees, a public hearing must be held on the proposed  
2501 withdrawal and proposed alternative plan.

2502 b. From 7 to 15 days before such hearing, notice of intent  
2503 to withdraw, specifying the time and place of the hearing, must  
2504 be provided in writing to employees of the hospital district  
2505 proposing partial withdrawal and must be published in a  
2506 newspaper of general circulation in the area affected, as  
2507 provided by ss. 50.011-50.031. Proof of publication of such  
2508 notice must ~~shall~~ be submitted to the department of Management  
2509 Services.

2510 c. The governing body of any hospital district seeking to  
2511 partially withdraw from the system must, before such hearing,  
2512 have an actuarial report prepared and certified by an enrolled  
2513 actuary, as defined in s. 112.625(3), illustrating the cost to  
2514 the hospital district of providing, through the retirement plan  
2515 that the hospital district is to adopt, benefits for new  
2516 employees comparable to those provided under the Florida  
2517 Retirement System.

2518 d. Upon meeting all applicable requirements of this  
2519 subparagraph, and subject to the conditions set forth in  
2520 subparagraph 6., partial withdrawal from the system and adoption  
2521 of the alternative retirement plan may be accomplished by  
2522 resolution ~~only~~ adopted by the hospital district board. The  
2523 hospital district board must provide written notice of such

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2524 withdrawal to the division by mailing a copy of the resolution  
2525 to the division, postmarked by ~~no later than~~ December 15, 1995.  
2526 The withdrawal shall take effect January 1, 1996.

2527 6. Following the adoption of a resolution under sub-  
2528 subparagraph 5.d., all employees of the withdrawing hospital  
2529 district who were participants in the Florida Retirement System  
2530 before ~~prior to~~ January 1, 1996, ~~shall~~ remain ~~as~~ participants in  
2531 the system for as long as they are employees of the hospital  
2532 district, and all rights, duties, and obligations between the  
2533 hospital district, the system, and the employees ~~shall~~ remain in  
2534 full force and effect. Any employee who is hired or appointed on  
2535 or after January 1, 1996, may not participate in the Florida  
2536 Retirement System, and the withdrawing hospital district has  
2537 ~~shall have~~ no obligation to the system with respect to such  
2538 employees.

2539 Section 72. Subsection (2) of section 121.0511, Florida  
2540 Statutes, is amended to read:

2541 121.0511 Revocation of election and alternative plan.—The  
2542 governing body of any municipality or independent special  
2543 district that has elected to participate in the Florida  
2544 Retirement System may revoke its election in accordance with the  
2545 following procedure:

2546 (2) At least 7 days, but not more than 15 days, before the  
2547 hearing, notice of intent to revoke, specifying the time and  
2548 place of the hearing, must be published in a newspaper of  
2549 general circulation in the area affected, as provided by ss.  
2550 50.011-50.031. Proof of publication ~~of the notice~~ must be  
2551 submitted to the department ~~of Management Services~~.

2552 Section 73. Paragraph (b) of subsection (3) of section

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2553 121.0515, Florida Statutes, is amended to read:

2554 121.0515 Special risk membership.—

2555 (3) PROCEDURE FOR DESIGNATING.—

2556 (b)~~1~~. Applying the criteria set forth in this section, the  
 2557 department of ~~Management Services~~ shall determine ~~specify~~ which  
 2558 current and newly created classes of positions under the uniform  
 2559 classification plan established pursuant to chapter 110 entitle  
 2560 the incumbents of positions in those classes to membership in  
 2561 the Special Risk Class. Only employees employed in the classes  
 2562 so specified shall be special risk members.

2563 2. If ~~When~~ a class is determined not to be in the Special  
 2564 Risk Class ~~specified by the department as provided in~~  
 2565 ~~subparagraph 1.~~, the employing agency may petition the State  
 2566 Retirement Commission for approval in accordance with s. 121.23.

2567 Section 74. Paragraphs (b) and (h) of subsection (1) and  
 2568 paragraph (a) of subsection (6) of section 121.055, Florida  
 2569 Statutes, are amended to read:

2570 121.055 Senior Management Service Class.—There is hereby  
 2571 established a separate class of membership within the Florida  
 2572 Retirement System to be known as the "Senior Management Service  
 2573 Class," which shall become effective February 1, 1987.

2574 (1)

2575 (b)1. Except as provided in subparagraph 2., effective  
 2576 January 1, 1990, participation in the Senior Management Service  
 2577 Class is ~~shall be~~ compulsory for the president of each community  
 2578 college, the manager of each participating city or county, and  
 2579 all appointed district school superintendents. Effective January  
 2580 1, 1994, additional positions may be included ~~designated for~~  
 2581 ~~inclusion~~ in the Senior Management Service Class. of the Florida

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2582 Retirement System, provided that:

2583 a. The positions must ~~to be included in the class~~ shall be  
2584 designated by the local agency employer. Notice of intent to  
2585 designate positions for inclusion in the class must ~~shall~~ be  
2586 published once a week for 2 consecutive weeks in a newspaper of  
2587 general circulation published in the county or counties  
2588 affected, as provided in chapter 50.

2589 b. Up to 10 nonelective full-time positions may be  
2590 designated for each local agency employer reporting to the  
2591 department. ~~of Management Services;~~ For local agencies with 100  
2592 or more regularly established positions, additional nonelective  
2593 full-time positions may be designated, not to exceed 1 percent  
2594 of the regularly established positions within the agency.

2595 c. Each position added to the class must be a managerial or  
2596 policymaking position filled by an employee who is not subject  
2597 to continuing contract; who ~~and~~ serves at the pleasure of the  
2598 local agency employer without civil service protection; and and  
2599 who:

2600 ~~(I)~~ heads an organizational unit; or

2601 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend  
2602 personnel, budget, expenditure, or policy decisions in his or  
2603 her areas of responsibility.

2604 2. In lieu of participation in the Senior Management  
2605 Service Class, members of the ~~Senior Management Service~~ class  
2606 under ~~pursuant to the provisions of~~ subparagraph 1. may withdraw  
2607 from the Florida Retirement System altogether. The decision to  
2608 withdraw from the Florida Retirement System is ~~shall be~~  
2609 irrevocable ~~for~~ as long as the employee holds the ~~such a~~  
2610 position. Any service creditable under the Senior Management

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2611 Service Class shall be retained after the member withdraws from  
2612 the ~~Florida Retirement~~ system; however, additional service  
2613 credit in the Senior Management Service Class may ~~shall~~ not be  
2614 earned after ~~such~~ withdrawal. Such members may ~~shall~~ not be  
2615 ~~eligible to~~ participate in the Senior Management Service  
2616 Optional Annuity Program.

2617 3. Effective January 1, 2006, through June 30, 2006, an  
2618 employee who has withdrawn from the Florida Retirement System  
2619 under subparagraph 2. has one opportunity to elect to  
2620 participate in ~~either~~ the defined benefit program or the defined  
2621 contribution ~~Public Employee Optional Retirement~~ program of the  
2622 Florida Retirement System.

2623 a. If the employee elects to participate in the defined  
2624 contribution ~~Public Employee Optional Retirement~~ program,  
2625 membership is ~~shall be~~ prospective, and the applicable  
2626 provisions of s. 121.4501(4) ~~shall~~ govern the election.

2627 b. If the employee elects to participate in the defined  
2628 benefit program ~~of the Florida Retirement System~~, the employee  
2629 shall, upon payment to the system trust fund of the amount  
2630 calculated under sub-sub-subparagraph (I), receive service  
2631 credit for prior service based upon the time ~~during which~~ the  
2632 employee had withdrawn from the system.

2633 (I) The cost for such credit shall be an amount  
2634 representing the actuarial accrued liability for the affected  
2635 period of service. The cost shall be calculated using the  
2636 discount rate and other relevant actuarial assumptions that were  
2637 used to value the ~~Florida Retirement System~~ defined benefit plan  
2638 liabilities in the most recent actuarial valuation. The  
2639 calculation must ~~shall~~ include any service already maintained

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2640 under the defined benefit plan in addition to the period of  
2641 withdrawal. The actuarial accrued liability attributable to any  
2642 service already maintained under the defined benefit plan is  
2643 ~~shall be~~ applied as a credit to the total cost resulting from  
2644 the calculation. The division shall ensure that the transfer sum  
2645 is prepared using a formula and methodology certified by an  
2646 actuary.

2647 (II) The employee must transfer a sum representing the net  
2648 cost owed for the actuarial accrued liability in sub-sub-  
2649 subparagraph (I) immediately following the time of such  
2650 movement, determined assuming that attained service equals the  
2651 sum of service in the defined benefit program and the period of  
2652 withdrawal.

2653 (h)1. Except as provided in subparagraph 3., effective  
2654 January 1, 1994, participation in the Senior Management Service  
2655 Class is ~~shall be~~ compulsory for the State Courts Administrator  
2656 and the Deputy State Courts Administrators, the Clerk of the  
2657 Supreme Court, the Marshal of the Supreme Court, the Executive  
2658 Director of the Justice Administrative Commission, the capital  
2659 collateral regional counsel, the clerks of the district courts  
2660 of appeals, the marshals of the district courts of appeals, and  
2661 the trial court administrator and the Chief Deputy Court  
2662 Administrator in each judicial circuit. Effective January 1,  
2663 1994, additional positions in the offices of the state attorney  
2664 and public defender in each judicial circuit may be designated  
2665 for inclusion in the Senior Management Service class ~~of the~~  
2666 ~~Florida Retirement System~~, provided that:

2667 a. The positions must ~~to be included in the class shall~~ be  
2668 designated by the state attorney or public defender, as

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2669 appropriate. Notice of intent to designate positions for  
2670 inclusion in the class must ~~shall~~ be published once a week for 2  
2671 consecutive weeks in a newspaper of general circulation  
2672 published in the county or counties affected, as provided in  
2673 chapter 50.

2674 b. One nonelective full-time position may be designated for  
2675 each state attorney and public defender reporting to the  
2676 department ~~of Management Services~~; for agencies with 200 or more  
2677 regularly established positions under the state attorney or  
2678 public defender, additional nonelective full-time positions may  
2679 be designated, not to exceed 0.5 percent of the regularly  
2680 established positions within the agency.

2681 c. Each position added to the class must be a managerial or  
2682 policymaking position filled by an employee who serves at the  
2683 pleasure of the state attorney or public defender without civil  
2684 service protection, and who~~+~~

2685 ~~(I)~~ heads an organizational unit~~;~~ or

2686 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend  
2687 personnel, budget, expenditure, or policy decisions in his or  
2688 her areas of responsibility.

2689 2. Participation in this class is ~~shall be~~ compulsory,  
2690 except as provided in subparagraph 3., for any judicial employee  
2691 who holds a position designated for coverage in the Senior  
2692 Management Service Class, and such participation continues ~~shall~~  
2693 ~~continue~~ until the employee terminates employment in a covered  
2694 position. Effective January 1, 2001, participation in this class  
2695 is compulsory for assistant state attorneys, assistant statewide  
2696 prosecutors, assistant public defenders, ~~and~~ assistant capital  
2697 collateral regional counsel. Effective January 1, 2002,

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2698 participation in this class is compulsory for assistant  
2699 attorneys general.

2700 3. In lieu of participation in the Senior Management  
2701 Service Class, such members, excluding assistant state  
2702 attorneys, assistant public defenders, assistant statewide  
2703 prosecutors, assistant attorneys general, and assistant capital  
2704 collateral regional counsel, may participate in the Senior  
2705 Management Service Optional Annuity Program as established in  
2706 subsection (6).

2707 (6) (a) *Senior Management Service Optional Annuity Program.*—  
2708 The department of ~~Management Services~~ shall establish a Senior  
2709 Management Service Optional Annuity Program under which  
2710 contracts providing retirement, death, and disability benefits  
2711 may be purchased for ~~those~~ employees who elect to participate in  
2712 the optional annuity program. The benefits to be provided for or  
2713 on behalf of participants must ~~in such optional annuity program~~  
2714 ~~shall~~ be provided through individual contracts or individual  
2715 certificates issued for group annuity contracts, which may be  
2716 fixed, variable, or a combination thereof, in accordance with s.  
2717 401(a) of the Internal Revenue Code. Any ~~such~~ individual  
2718 contract or certificate must ~~shall~~ state the annuity plan on its  
2719 face page, and ~~shall~~ include, but not be limited to, a statement  
2720 of ownership, the contract benefits, annuity income options,  
2721 limitations, expense charges, and surrender charges, if any. The  
2722 employing agency shall contribute, as provided in this section,  
2723 toward the purchase of the ~~such~~ optional benefits which shall be  
2724 fully and immediately vested in the participants.

2725 Section 75. Section 121.1815, Florida Statutes, is amended  
2726 to read:

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2727           121.1815 Special pensions to individuals; administration ~~of~~  
2728 ~~laws by Department of Management Services.~~—All powers, duties,  
2729 and functions related to the administration of laws providing  
2730 special pensions to individuals, including chapter 18054, Laws  
2731 of Florida, 1937; chapter 26788, Laws of Florida, 1951, as  
2732 amended by chapter 57-871, Laws of Florida; chapter 26836, Laws  
2733 of Florida, 1951; and chapter 63-953, Laws of Florida, are  
2734 vested in the department. All laws hereinafter enacted by the  
2735 Legislature pertaining to special pensions for individuals shall  
2736 be administered by the department, unless contrary provisions  
2737 are contained in such law. Upon the death of any person  
2738 receiving a monthly pension under this section, the monthly  
2739 pension shall be paid through the last day of the month of death  
2740 and shall terminate on that date, unless contrary provisions are  
2741 contained in the special pension law.

2742           Section 76. Section 121.1905, Florida Statutes, is  
2743 repealed.

2744           Section 77. Section 121.192, Florida Statutes, is amended  
2745 to read:

2746           121.192 State retirement actuary.—The department may employ  
2747 an actuary. ~~Such actuary shall,~~ Together with such other duties  
2748 as the executive director ~~secretary~~ may assign, the actuary  
2749 shall be responsible for:

2750           (1) Advising the executive director ~~secretary~~ on actuarial  
2751 matters of the state retirement systems.

2752           (2) Making periodic valuations of the retirement systems.

2753           (3) Providing actuarial analyses to the Legislature  
2754 concerning proposed changes in the retirement systems.

2755           (4) Assisting the executive director ~~secretary~~ in

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2756 developing a sound and modern retirement system.

2757 Section 78. Subsection (1) of section 121.22, Florida  
2758 Statutes, is amended to read:

2759 121.22 State Retirement Commission; creation; membership;  
2760 compensation.—

2761 (1) The ~~There is created within the Department of~~  
2762 ~~Management Services~~ a State Retirement Commission is created  
2763 within the department, composed of five members: Two members who  
2764 are retired under a state-supported retirement system  
2765 administered by the department; two members who are active  
2766 members of a state-supported retirement system that is  
2767 administered by the department; and one member who is neither a  
2768 retiree, beneficiary, or member of a state-supported retirement  
2769 system administered by the department. Each member shall have a  
2770 different occupational background from the other members.

2771 Section 79. Subsection (1) of section 121.23, Florida  
2772 Statutes, is amended to read:

2773 121.23 Disability retirement and special risk membership  
2774 applications; Retirement Commission; powers and duties; judicial  
2775 review.—The provisions of this section apply to all proceedings  
2776 in which the administrator has made a written final decision on  
2777 the merits respecting applications for disability retirement,  
2778 reexamination of retired members receiving disability benefits,  
2779 applications for special risk membership, and reexamination of  
2780 special risk members in the Florida Retirement System. The  
2781 jurisdiction of the State Retirement Commission under this  
2782 section shall be limited to written final decisions of the  
2783 administrator on the merits.

2784 (1) In accordance with the rules of procedure adopted by

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2785 the department ~~of Management Services~~, the administrator shall:

2786 (a) Give reasonable notice of his or her proposed action,  
2787 or decision to refuse action, together with a summary of the  
2788 factual, legal, and policy grounds for the action ~~therefor~~.

2789 (b) Give affected members, or their counsel, an opportunity  
2790 to present to the division written evidence in opposition to the  
2791 proposed action or refusal to act or a written statement  
2792 challenging the grounds upon which the administrator has chosen  
2793 to justify his or her action or inaction.

2794 (c) If the objections of the member are overruled, provide  
2795 a written explanation within 21 days.

2796 Section 80. Subsections (2), (3), and (4) of section  
2797 121.24, Florida Statutes, are amended to read:

2798 121.24 Conduct of commission business; legal and other  
2799 assistance; compensation.—

2800 (2) Legal counsel for the commission may be provided by the  
2801 department or the Department of Legal Affairs ~~or by the~~  
2802 ~~Department of Management Services~~, with the concurrence of the  
2803 commission, and shall be paid by the department ~~of Management~~  
2804 ~~Services~~ from the appropriate funds.

2805 (3) The department ~~of Management Services~~ shall provide  
2806 timely and appropriate training for newly appointed members of  
2807 the commission. Such training shall be designed to acquaint new  
2808 members ~~of the commission~~ with the duties and responsibilities  
2809 of the commission.

2810 (4) The department ~~of Management Services~~ shall furnish  
2811 administrative and secretarial assistance to the commission and  
2812 ~~shall~~ provide a place where the commission may hold its  
2813 meetings.

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2814 Section 81. Subsection (1) and paragraphs (c) and (d) of  
2815 subsection (2) of section 121.35, Florida Statutes, are amended  
2816 to read:

2817 121.35 Optional retirement program for the State University  
2818 System.—

2819 (1) OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—The department  
2820 ~~of Management Services~~ shall establish an optional retirement  
2821 program under which contracts providing retirement and death  
2822 benefits may be purchased for eligible members of the State  
2823 University System who elect to participate in the program. The  
2824 benefits to be provided for or on behalf of participants ~~in such~~  
2825 ~~optional retirement program~~ shall be provided through individual  
2826 contracts or individual certificates issued for group annuity or  
2827 other contracts, which may be fixed, variable, or a combination  
2828 thereof, in accordance with s. 403(b) of the Internal Revenue  
2829 Code. An ~~Any~~ individual contract or certificate must ~~shall~~ state  
2830 the annuity plan on its face page, and ~~shall~~ include, but not be  
2831 limited to, a statement of ownership, the contract benefits,  
2832 annuity income options, limitations, expense charges, and  
2833 surrender charges, if any. The state shall contribute, as  
2834 provided in this section, toward the purchase of such optional  
2835 benefits.

2836 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

2837 ~~(c) For purposes of this section, the Department of~~  
2838 ~~Management Services is referred to as the "department."~~

2839 (c) ~~(d)~~ For purposes of this section, the authority granted  
2840 to the Board of Governors of the State University System may be  
2841 exercised by the Board of Governors or by the Chancellor of the  
2842 State University System.

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2843 Section 82. Subsections (3) and (13) of section 121.40,  
2844 Florida Statutes, are amended to read:

2845 121.40 Cooperative extension personnel at the Institute of  
2846 Food and Agricultural Sciences; supplemental retirement  
2847 benefits.—

2848 (3) DEFINITIONS.—The definitions provided in s. 121.021 do  
2849 ~~shall~~ not apply to this program unless ~~except when~~ specifically  
2850 cited. For the purposes of this section, the term ~~the following~~  
2851 ~~words or phrases have the respective meanings set forth:~~

2852 (a) "Institute" means the Institute of Food and  
2853 Agricultural Sciences of the University of Florida.

2854 ~~(b) "Department" means the Department of Management~~  
2855 ~~Services.~~

2856 (b)(e) "Participant" means any employee of the institute  
2857 who is eligible to receive a supplemental benefit under this  
2858 program as provided in subsection (4).

2859 (c)(d) "Trust fund" means the Florida Retirement System  
2860 Trust Fund.

2861 (d)(e) "Creditable service" means any service after  
2862 ~~subsequent to~~ December 1, 1970, with the institute as a  
2863 cooperative extension employee holding both state and federal  
2864 appointments, that is credited for retirement purposes by the  
2865 institute toward a federal Civil Service Retirement System  
2866 annuity.

2867 (13) ADMINISTRATION OF PROGRAM.—The Department of Personnel  
2868 Management:

2869 (a) ~~The Department~~ Shall adopt ~~make such~~ rules as are  
2870 necessary for the effective and efficient administration of this  
2871 program. The executive director ~~secretary~~ of the department is

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2872 ~~shall be~~ the administrator of the program. The funds to pay the  
2873 expenses for such administration shall be appropriated from the  
2874 interest earned on investments made for the Florida Retirement  
2875 System Trust Fund.

2876 (b) ~~The Department~~ May require oaths, by affidavit or  
2877 otherwise, and acknowledgments from persons in connection with  
2878 the administration of its duties and responsibilities under this  
2879 section.

2880 Section 83. Paragraphs (d) through (m) of subsection (2),  
2881 paragraph (b) of subsection (8), paragraph (h) of subsection  
2882 (10), and subsection (19) of section 121.4501, Florida Statutes,  
2883 is amended to read:

2884 121.4501 Public Employee Optional Retirement Program.—

2885 (2) DEFINITIONS.—As used in this part, the term:

2886 ~~(d) "Department" means the Department of Management~~  
2887 ~~Services.~~

2888 (d) ~~(e)~~ "Division" means the Division of Retirement within  
2889 the department ~~of Management Services.~~

2890 (e) ~~(f)~~ "Eligible employee" means an officer or employee, as  
2891 defined in s. 121.021, who:

2892 1. Is a member of, or is eligible for membership in, the  
2893 Florida Retirement System, including any renewed member of the  
2894 Florida Retirement System initially enrolled before July 1,  
2895 2010; or

2896 2. Participates in, or is eligible to participate in, the  
2897 Senior Management Service Optional Annuity Program as  
2898 established under s. 121.055(6), the State Community College  
2899 System Optional Retirement Program as established under s.  
2900 121.051(2)(c), or the State University System Optional

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2901 Retirement Program established under s. 121.35.

2902

2903 The term does not include any member participating in the  
2904 Deferred Retirement Option Program established under s.  
2905 121.091(13), a retiree of a state-administered retirement system  
2906 initially reemployed on or after July 1, 2010, or a mandatory  
2907 participant of the State University System Optional Retirement  
2908 Program established under s. 121.35.

2909 (f)~~(g)~~ "Employer" means an employer, as defined in s.  
2910 121.021~~(10)~~, of an eligible employee.

2911 (g)~~(h)~~ "Participant" means an eligible employee who is  
2912 enrolled ~~elects to participate in the Public Employee Optional~~  
2913 ~~Retirement Program and enrolls in such~~ optional program as  
2914 ~~provided in subsection (4)~~ or a terminated Deferred Retirement  
2915 Option Program participant as described in subsection (21).

2916 (h)~~(i)~~ "Public Employee Optional Retirement Program,"  
2917 "optional program," or "optional retirement program" means the  
2918 ~~alternative~~ defined contribution retirement program established  
2919 under this section.

2920 (i)~~(j)~~ "Retiree" means a former participant of the ~~Florida~~  
2921 ~~Retirement System Public Employee~~ optional retirement program  
2922 who has terminated employment and has taken a distribution as  
2923 provided in s. 121.591, except for a mandatory distribution of a  
2924 de minimis account authorized by the state board.

2925 ~~(k) "State board" or "board" means the State Board of~~  
2926 ~~Administration.~~

2927 ~~(l) "Trustees" means Trustees of the State Board of~~  
2928 ~~Administration.~~

2929 (j)~~(m)~~ "Vested" or "vesting" means the guarantee that a

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2930 participant is eligible to receive a retirement benefit upon  
2931 completion of the required years of service under the Public  
2932 Employee Optional Retirement Program.

2933 (8) ADMINISTRATION OF PROGRAM.—

2934 (b)1. The state board shall select and contract with a ~~one~~  
2935 third-party administrator to provide administrative services if  
2936 those services cannot be competitively and contractually  
2937 provided by the division ~~of Retirement within the Department of~~  
2938 ~~Management Services~~. With the approval of the state board, the  
2939 third-party administrator may subcontract ~~with other~~  
2940 ~~organizations or individuals~~ to provide components of the  
2941 administrative services. As a cost of administration, the state  
2942 board may compensate any such contractor for its services, in  
2943 accordance with the terms of the contract, as is deemed  
2944 necessary or proper by the board. The third-party administrator  
2945 may not be an approved provider or be affiliated with an  
2946 approved provider.

2947 2. These administrative services may include, but are not  
2948 limited to, enrollment of eligible employees, collection of  
2949 employer contributions, disbursement of ~~such~~ contributions to  
2950 approved providers in accordance with the allocation directions  
2951 of participants; services relating to consolidated billing;  
2952 individual and collective recordkeeping and accounting; asset  
2953 purchase, control, and safekeeping; and direct disbursement of  
2954 funds to and from the third-party administrator, the division,  
2955 the board, employers, participants, approved providers, and  
2956 beneficiaries. This section does not prevent or prohibit a  
2957 bundled provider from providing any administrative or customer  
2958 service, including accounting and administration of individual

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2959 participant benefits and contributions; individual participant  
2960 recordkeeping; asset purchase, control, and safekeeping; direct  
2961 execution of the participant's instructions as to asset and  
2962 contribution allocation; calculation of daily net asset values;  
2963 direct access to participant account information; or periodic  
2964 reporting to participants, at least quarterly, on account  
2965 balances and transactions, if these services are authorized by  
2966 the board as part of the contract.

2967 3. The state board shall select and contract with one or  
2968 more organizations to provide educational services. With  
2969 approval of the state board, the organizations may subcontract  
2970 ~~with other organizations or individuals~~ to provide components of  
2971 the educational services. As a cost of administration, the state  
2972 board may compensate any such contractor for its services in  
2973 accordance with the terms of the contract, as is deemed  
2974 necessary or proper by the board. The education organization may  
2975 not be an approved provider or be affiliated with an approved  
2976 provider.

2977 4. Educational services shall be designed by the state  
2978 board and department to assist employers, eligible employees,  
2979 participants, and beneficiaries in order to maintain compliance  
2980 with United States Department of Labor regulations under s.  
2981 404(c) of the Employee Retirement Income Security Act of 1974  
2982 and to assist employees in their choice of a defined benefit or  
2983 defined contribution retirement program alternatives.  
2984 Educational services include, but are not limited to,  
2985 disseminating educational materials; providing retirement  
2986 planning education; explaining the differences between the  
2987 defined benefit ~~retirement plan~~ and the defined contribution

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2988 retirement programs ~~plan~~; and offering financial planning  
2989 guidance on matters such as investment diversification,  
2990 investment risks, investment costs, and asset allocation. An  
2991 approved provider may also provide educational information,  
2992 including retirement planning and investment allocation  
2993 information concerning its products and services.

2994 (10) EDUCATION COMPONENT.—

2995 (h) Pursuant to paragraph (8) (a), all Florida Retirement  
2996 System employers have an obligation to regularly communicate the  
2997 existence of the two Florida Retirement System plans and the  
2998 plan choice in the natural course of administering their  
2999 personnel functions, using the educational materials supplied by  
3000 the state board and the department ~~of Management Services~~.

3001 (19) PARTICIPANT RECORDS.—Personal identifying information  
3002 of a participant in the Public Employee Optional Retirement  
3003 Program contained in Florida Retirement System records held by  
3004 the State Board of Administration or the department ~~of~~  
3005 ~~Management Services~~ is exempt from s. 119.07(1) and s. 24(a),  
3006 Art. I of the State Constitution.

3007 Section 84. Section 121.4503, Florida Statutes, is amended  
3008 to read:

3009 121.4503 Florida Retirement System Contributions Clearing  
3010 Trust Fund.—

3011 (1) The Florida Retirement System Contributions Clearing  
3012 Trust Fund is created as a clearing fund for disbursing employer  
3013 contributions to the component plans of the Florida Retirement  
3014 System and shall be administered by the department ~~of Management~~  
3015 ~~Services~~. Funds shall be credited to the trust fund as provided  
3016 in this chapter and ~~shall be~~ held in trust for the contributing

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3017 employers until such time as the assets are transferred by the  
3018 department to the Florida Retirement System Trust Fund, the  
3019 Public Employee Optional Retirement Program Trust Fund, or other  
3020 trust funds as authorized by law, to be used for the purposes of  
3021 this chapter. The trust fund is exempt from the service charges  
3022 imposed by s. 215.20.

3023 (2) The Florida Retirement System Contributions Clearing  
3024 Trust Fund is a clearing trust fund of the department ~~of~~  
3025 ~~Management Services~~ pursuant to s. 19(f), Art. III of the State  
3026 Constitution, and is not subject to termination.

3027 (3) The department ~~of Management Services~~ may adopt rules  
3028 governing the receipt and disbursement of amounts received by  
3029 the Florida Retirement System Contributions Clearing Trust Fund  
3030 from employers contributing to the component plans of the  
3031 Florida Retirement System.

3032 Section 85. Section 121.591, Florida Statutes, is amended  
3033 to read:

3034 121.591 Payment of benefits ~~payable under the Public~~  
3035 ~~Employee Optional Retirement Program of the Florida Retirement~~  
3036 ~~System.~~—Benefits may not be paid under this section unless the  
3037 member has terminated employment as provided in s.  
3038 121.021(39)(a) or is deceased and a proper application has been  
3039 filed as in the manner ~~prescribed~~ prescribed by the state board or the  
3040 department. The state board or department, as appropriate, may  
3041 cancel an application for retirement benefits if ~~when~~ the member  
3042 or beneficiary fails to timely provide the information and  
3043 documents required by this chapter and the rules of the state  
3044 board and department. In accordance with their respective  
3045 responsibilities ~~as provided herein~~, the state board ~~of~~

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3046 ~~Administration~~ and the department of ~~Management Services~~ shall  
3047 adopt rules establishing procedures for application for  
3048 retirement benefits and for the cancellation of such application  
3049 if ~~when~~ the required information or documents are not received.  
3050 The state board of ~~Administration~~ and the department of  
3051 ~~Management Services~~, as appropriate, are authorized to cash out  
3052 a de minimis account of a participant who has been terminated  
3053 from Florida Retirement System covered employment for a minimum  
3054 of 6 calendar months. A de minimis account is an account  
3055 containing employer contributions and accumulated earnings of  
3056 not more than \$5,000 made under the provisions of this chapter.  
3057 Such cash-out must ~~either~~ be a complete lump-sum liquidation of  
3058 the account balance, subject to the provisions of the Internal  
3059 Revenue Code, or a lump-sum direct rollover distribution paid  
3060 directly to the custodian of an eligible retirement plan, as  
3061 defined by the Internal Revenue Code, on behalf of the  
3062 participant. If any financial instrument issued for the payment  
3063 of retirement benefits under this section is not presented for  
3064 payment within 180 days after the last day of the month in which  
3065 it was originally issued, the third-party administrator or other  
3066 duly authorized agent of the state board of ~~Administration~~ shall  
3067 cancel the instrument and credit the amount of the instrument to  
3068 the suspense account of the Public Employee Optional Retirement  
3069 Program Trust Fund authorized under s. 121.4501(6). Any ~~such~~  
3070 amounts transferred to the suspense account are payable upon a  
3071 proper application, not to include earnings thereon, as provided  
3072 in this section, within 10 years after the last day of the month  
3073 in which the instrument was originally issued, after which time  
3074 such amounts and any earnings are ~~thereon shall be~~ forfeited.

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3075 Any such forfeited amounts are assets of the Public Employee  
3076 Optional Retirement Program Trust Fund and are not subject to  
3077 ~~the provisions of~~ chapter 717.

3078 (1) NORMAL BENEFITS.—Under the Public Employee Optional  
3079 Retirement Program:

3080 (a) Benefits in the form of vested accumulations as  
3081 described in s. 121.4501(6) are payable under this subsection in  
3082 accordance with the following terms and conditions:

3083 1. ~~To the extent vested,~~ Benefits are payable only to a  
3084 participant.

3085 2. Benefits shall be paid by the third-party administrator  
3086 or designated approved providers in accordance with the law, the  
3087 contracts, and any applicable state board rule or policy.

3088 3. ~~To receive benefits,~~ The participant must be terminated  
3089 from all employment with all Florida Retirement System  
3090 employers, as provided in s. 121.021(39).

3091 4. Benefit payments may not be made until the participant  
3092 has been terminated for 3 calendar months, except that the state  
3093 board may authorize by rule for the distribution of up to 10  
3094 percent of the participant's account after being terminated for  
3095 1 calendar month if the participant has reached the normal  
3096 retirement date as defined in s. 121.021 ~~of the defined benefit~~  
3097 plan.

3098 5. If a member or former member of the Florida Retirement  
3099 System receives an invalid distribution ~~from the Public Employee~~  
3100 ~~Optional Retirement Program Trust Fund~~, such person must repay  
3101 the full amount ~~invalid distribution to the trust fund~~ within 90  
3102 days after receipt of final notification by the state board or  
3103 the third-party administrator that the distribution was invalid.

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3104 If such person fails to repay the full invalid distribution  
3105 within 90 days after receipt of final notification, the person  
3106 may be deemed retired from the optional retirement program by  
3107 the state board, as provided pursuant to s. 121.4501(2)(j), and  
3108 is subject to s. 121.122. If such person is deemed retired ~~by~~  
3109 ~~the state board~~, any joint and several liability set out in s.  
3110 121.091(9)(d)2. is becomes null and void, and the state board,  
3111 the department, or the employing agency is not liable for gains  
3112 on payroll contributions that have not been deposited to the  
3113 person's account in the retirement program, pending resolution  
3114 of the invalid distribution. The member or former member who has  
3115 been deemed retired or who has been determined by the board to  
3116 have taken an invalid distribution may appeal the agency  
3117 decision through the complaint process as provided under s.  
3118 121.4501(9)(g)3. As used in this subparagraph, the term "invalid  
3119 distribution" means any distribution from an account in the  
3120 optional retirement program which is taken in violation of this  
3121 section, s. 121.091(9), or s. 121.4501.

3122 (b) If a participant elects to receive his or her benefits  
3123 upon termination of employment as defined in s. 121.021, the  
3124 participant must submit a written application or an equivalent  
3125 form to the third-party administrator indicating his or her  
3126 preferred distribution date and selecting an authorized method  
3127 of distribution as provided in paragraph (c). The participant  
3128 may defer receipt of benefits until he or she chooses to make  
3129 such application, subject to federal requirements.

3130 (c) Upon receipt by the third-party administrator of a  
3131 properly executed application for distribution of benefits, the  
3132 total accumulated benefit is ~~shall be~~ payable to the

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3133 participant, as:

3134 1. A lump-sum distribution to the participant;

3135 2. A lump-sum direct rollover distribution whereby all  
3136 accrued benefits, plus interest and investment earnings, are  
3137 paid from the participant's account directly to the custodian of  
3138 an eligible retirement plan, as defined in s. 402(c)(8)(B) of  
3139 the Internal Revenue Code, on behalf of the participant; or

3140 3. Periodic distributions, as authorized by the state  
3141 board.

3142 (2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under  
3143 this subsection are payable in lieu of the benefits that ~~which~~  
3144 would otherwise be payable under ~~the provisions of~~ subsection  
3145 (1). Such benefits must ~~shall~~ be funded entirely from employer  
3146 contributions made under s. 121.571, transferred participant  
3147 funds accumulated pursuant to paragraph (a), and interest and  
3148 earnings thereon. ~~Pursuant thereto:~~

3149 (a) *Transfer of funds.*—To qualify for ~~to receive~~ monthly  
3150 disability benefits under this subsection:

3151 1. All moneys accumulated in the participant's Public  
3152 Employee Optional Retirement Program accounts, including vested  
3153 and nonvested accumulations as described in s. 121.4501(6), must  
3154 ~~shall~~ be transferred from such individual accounts to the  
3155 division ~~of Retirement~~ for deposit in the disability account of  
3156 the Florida Retirement System Trust Fund. Such moneys must ~~shall~~  
3157 be ~~separately~~ accounted for separately. Earnings must ~~shall~~ be  
3158 credited on an annual basis for amounts held in the disability  
3159 accounts of the Florida Retirement System Trust Fund based on  
3160 actual earnings of the ~~Florida Retirement System~~ trust fund.

3161 2. If the participant has retained retirement credit ~~he or~~

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3162 ~~she had~~ earned under the defined benefit program ~~of the Florida~~  
3163 ~~Retirement System~~ as provided in s. 121.4501(3)(b), a sum  
3164 representing the actuarial present value of such credit within  
3165 the Florida Retirement System Trust Fund shall be reassigned by  
3166 the division ~~of Retirement~~ from the defined benefit program to  
3167 the disability program as implemented under this subsection and  
3168 shall be deposited in the disability account of the Florida  
3169 Retirement System Trust Fund. Such moneys must ~~shall~~ be  
3170 ~~separately~~ accounted for separately.

3171 (b) *Disability retirement; entitlement.*—

3172 1. A participant of the Public Employee Optional Retirement  
3173 Program who becomes totally and permanently disabled, as defined  
3174 in paragraph (d) ~~s. 121.091(4)(b)~~, after completing 8 years of  
3175 creditable service, or a participant who becomes totally and  
3176 permanently disabled in the line of duty regardless of ~~his or~~  
3177 ~~her~~ length of service, is ~~shall be~~ entitled to a monthly  
3178 disability benefit ~~as provided herein~~.

3179 2. In order for service to apply toward the 8 years of  
3180 creditable service required ~~to vest~~ for regular disability  
3181 benefits, or toward the creditable service used in calculating a  
3182 service-based benefit as provided ~~for~~ under paragraph (g), the  
3183 service must be creditable service as described below:

3184 a. The participant's period of service under the Public  
3185 Employee Optional Retirement Program is ~~will be~~ considered  
3186 creditable service, except as provided in subparagraph d.

3187 b. If the participant has elected to retain credit for ~~his~~  
3188 ~~or her~~ service under the defined benefit program ~~of the Florida~~  
3189 ~~Retirement System~~ as provided under s. 121.4501(3)(b), all such  
3190 service is ~~will be~~ considered creditable service.

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3191 c. If the participant elects ~~has elected~~ to transfer to his  
3192 or her participant accounts a sum representing the present value  
3193 of his or her retirement credit under the defined benefit  
3194 program as provided under s. 121.4501(3)(c), the period of  
3195 service under the defined benefit program represented in the  
3196 present value amounts transferred is ~~will be~~ considered  
3197 creditable service ~~for purposes of vesting for disability~~  
3198 ~~benefits~~, except as provided in subparagraph d.

3199 d. Whenever a participant has terminated employment and has  
3200 taken distribution of his or her funds as provided in subsection  
3201 (1), all creditable service represented by such distributed  
3202 funds is forfeited for purposes of this subsection.

3203 (c) *Disability retirement effective date.*—The effective  
3204 retirement date for a participant who applies and is approved  
3205 for disability retirement shall be established as provided under  
3206 s. 121.091(4)(a)2. and 3.

3207 (d) *Total and permanent disability.*—A participant shall be  
3208 considered totally and permanently disabled if, in the opinion  
3209 of the division, he or she is prevented, by reason of a  
3210 medically determinable physical or mental impairment, from  
3211 rendering useful and efficient service as an officer or  
3212 employee.

3213 (e) *Proof of disability.* ~~The division,~~ Before approving  
3214 payment of any disability retirement benefit, the division shall  
3215 require proof that the participant is totally and permanently  
3216 disabled ~~in the same manner as provided for members of the~~  
3217 ~~defined benefit program of the Florida Retirement System~~ under  
3218 s. 121.091(4)(c).

3219 (f) *Disability retirement benefit.*—Upon the disability

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3220 retirement of a participant under this subsection, the  
3221 participant shall receive a monthly benefit that begins accruing  
3222 ~~shall begin to accrue~~ on the first day of the month of  
3223 disability retirement, as approved by the division, and is ~~shall~~  
3224 ~~be~~ payable on the last day of that month and each month  
3225 thereafter during his or her lifetime and continued disability.  
3226 All disability benefits must ~~payable to such member shall~~ be  
3227 paid out of the disability account of the Florida Retirement  
3228 System Trust Fund established under this subsection.

3229 (g) *Computation of disability retirement benefit.*—The  
3230 amount of each monthly payment must ~~shall~~ be calculated ~~in the~~  
3231 ~~same manner~~ as provided ~~for members of the defined benefit~~  
3232 ~~program of the Florida Retirement System~~ under s. 121.091(4)(f).  
3233 ~~For such purpose,~~ Creditable service under both the defined  
3234 benefit program and the Public Employee Optional Retirement  
3235 Program ~~of the Florida Retirement System~~ shall be applicable as  
3236 provided under paragraph (b).

3237 (h) *Reapplication.*—A participant whose initial application  
3238 for disability retirement is ~~has been~~ denied may reapply for  
3239 disability benefits ~~in the same manner, and under the same~~  
3240 ~~conditions,~~ as provided ~~for members of the defined benefit~~  
3241 ~~program of the Florida Retirement System~~ under s. 121.091(4)(g).

3242 (i) *Membership.*—Upon approval of a participant's an  
3243 application for disability benefits ~~under this subsection,~~ the  
3244 applicant shall be transferred to the defined benefit program ~~of~~  
3245 ~~the Florida Retirement System,~~ effective upon his or her  
3246 disability retirement effective date.

3247 (j) *Option to cancel.*—A ~~Any~~ participant whose application  
3248 for disability benefits is approved may cancel the ~~his or her~~

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3249 application ~~if for disability benefits, provided that~~ the  
3250 cancellation request is received by the division before a  
3251 disability retirement warrant has been deposited, cashed, or  
3252 received by direct deposit. Upon ~~such~~ cancellation:

3253 1. The participant's transfer to the defined benefit  
3254 program under paragraph (i) shall be nullified;

3255 2. The participant shall be retroactively reinstated in the  
3256 Public Employee Optional Retirement Program without hiatus;

3257 3. All funds transferred to the Florida Retirement System  
3258 Trust Fund under paragraph (a) must ~~shall~~ be returned to the  
3259 participant accounts from which the ~~such~~ funds were drawn; and

3260 4. The participant may elect to receive the benefit payable  
3261 under ~~the provisions of~~ subsection (1) in lieu of disability  
3262 benefits ~~as provided under this subsection.~~

3263 (k) *Recovery from disability.*—

3264 1. The division may require periodic reexaminations at the  
3265 expense of the disability program account of the Florida  
3266 Retirement System Trust Fund. Except as otherwise provided in  
3267 subparagraph 2., ~~the requirements, procedures, and restrictions~~  
3268 ~~relating to the conduct and review of such reexaminations,~~  
3269 ~~discontinuation or termination of benefits, reentry into~~  
3270 ~~employment, disability retirement after reentry into covered~~  
3271 ~~employment, and all other matters relating to recovery from~~  
3272 disability shall be ~~the same~~ as are set forth under s.  
3273 121.091(4)(h).

3274 2. Upon recovery from disability, the ~~any~~ recipient of  
3275 disability retirement benefits under this subsection shall be  
3276 transferred back and be a compulsory member of the Public  
3277 Employee Optional Retirement Program ~~of the Florida Retirement~~

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3278 ~~System.~~ The net difference between the recipient's original  
3279 account balance transferred to the Florida Retirement System  
3280 Trust Fund, including earnings, ~~under paragraph (a)~~ and total  
3281 disability benefits paid to such recipient, if any, shall be  
3282 determined as provided in sub-subparagraph a.

3283       a. An amount equal to the total benefits paid shall be  
3284 subtracted from that portion of the transferred account balance  
3285 consisting of vested accumulations as described under s.  
3286 121.4501(6), if any, and an amount equal to the remainder of  
3287 benefit amounts paid, if any, shall ~~then~~ be subtracted from any  
3288 remaining ~~portion consisting of~~ nonvested accumulations ~~as~~  
3289 ~~described under s. 121.4501(6).~~

3290       b. Amounts subtracted under sub-subparagraph a. must ~~shall~~  
3291 be retained within the disability account of the Florida  
3292 Retirement System Trust Fund. Any remaining account balance  
3293 shall be transferred to the third-party administrator for  
3294 disposition as provided under sub-subparagraph c. or sub-  
3295 subparagraph d., as appropriate.

3296       c. If the recipient returns to covered employment,  
3297 transferred amounts must ~~shall~~ be deposited in individual  
3298 accounts under the Public Employee Optional Retirement Program,  
3299 as directed by the participant. Vested and nonvested amounts  
3300 shall be separately accounted for as provided in s. 121.4501(6).

3301       d. If the recipient fails to return to covered employment  
3302 upon recovery from disability:

3303           (I) Any remaining vested amount must ~~shall~~ be deposited in  
3304 individual accounts under the Public Employee Optional  
3305 Retirement Program, as directed by the participant, and shall be  
3306 payable as provided in subsection (1).

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3307 (II) Any remaining nonvested amount must ~~shall~~ be held in a  
3308 suspense account and is ~~shall be~~ forfeitable after 5 years as  
3309 provided in s. 121.4501(6).

3310 3. If present value was reassigned from the defined benefit  
3311 program to the disability program ~~of the Florida Retirement~~  
3312 ~~System~~ as provided under subparagraph (a)2., the full present  
3313 value amount must ~~shall~~ be returned to the defined benefit  
3314 account within the Florida Retirement System Trust Fund and the  
3315 recipient's ~~affected individual's~~ associated retirement credit  
3316 under the defined benefit program must ~~shall~~ be reinstated in  
3317 full. Any benefit based upon such credit shall be calculated as  
3318 provided in s. 121.091(4)(h)1.

3319 (1) *Nonadmissible causes of disability.*—A participant shall  
3320 not be entitled to receive a disability retirement benefit if  
3321 the disability results from any injury or disease sustained or  
3322 inflicted as described in s. 121.091(4)(i).

3323 (m) *Disability retirement of justice or judge by order of*  
3324 *Supreme Court.*—

3325 1. If a participant is a justice of the Supreme Court,  
3326 judge of a district court of appeal, circuit judge, or judge of  
3327 a county court who has served for 6 years or more as an elected  
3328 constitutional judicial officer, including service as a judicial  
3329 officer in any court abolished pursuant to Art. V of the State  
3330 Constitution, and who is retired for disability by order of the  
3331 Supreme Court upon recommendation of the Judicial Qualifications  
3332 Commission pursuant to s. 12, ~~the provisions of~~ Art. V of the  
3333 State Constitution, the participant's Option 1 monthly  
3334 disability benefit amount as provided in s. 121.091(6)(a)1.  
3335 shall be two-thirds of his or her monthly compensation as of the

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3336 participant's disability retirement date. ~~The~~ Such a participant  
3337 may alternatively elect to receive an actuarially adjusted  
3338 disability retirement benefit under any other option as provided  
3339 in s. 121.091(6)(a), or to receive the normal benefit payable  
3340 under ~~the Public Employee Optional Retirement Program as set~~  
3341 ~~forth in~~ subsection (1).

3342 2. If any justice or judge who is a participant of the  
3343 Public Employee Optional Retirement Program ~~of the Florida~~  
3344 ~~Retirement System~~ is retired for disability ~~by order of the~~  
3345 ~~Supreme Court upon recommendation of the Judicial Qualifications~~  
3346 ~~Commission~~ pursuant to s. 12, ~~the provisions of~~ Art. V of the  
3347 State Constitution and elects to receive a monthly disability  
3348 benefit under the provisions of this paragraph:

3349 a. Any present value amount that was transferred to his or  
3350 her program account and all employer contributions made to such  
3351 account on his or her behalf, plus interest and earnings  
3352 thereon, must ~~shall~~ be transferred to and deposited in the  
3353 disability account of the Florida Retirement System Trust Fund;  
3354 and

3355 b. The monthly benefits payable under this paragraph ~~for~~  
3356 ~~any affected justice or judge retired from the Florida~~  
3357 ~~Retirement System pursuant to Art. V of the State Constitution~~  
3358 shall be paid from the disability account of the Florida  
3359 Retirement System Trust Fund.

3360 (n) *Death of retiree or beneficiary.*—Upon the death of a  
3361 disabled retiree or beneficiary of the retiree ~~thereof~~ who is  
3362 receiving monthly disability benefits under this subsection, the  
3363 monthly benefits shall be paid through the last day of the month  
3364 of death and shall terminate, or be adjusted, if applicable, as

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3365 of that date in accordance with the optional form of benefit  
3366 selected at the time of retirement. The department ~~of Management~~  
3367 ~~Services~~ may adopt rules necessary to administer this paragraph.

3368 (3) DEATH BENEFITS.—Under the Public Employee Optional  
3369 Retirement Program:

3370 (a) Survivor benefits are ~~shall be~~ payable in accordance  
3371 with the following terms and conditions:

3372 1. ~~To the extent vested,~~ Benefits shall be payable only to  
3373 a participant's beneficiary or beneficiaries as designated by  
3374 the participant as provided in s. 121.4501(20).

3375 2. Benefits must ~~shall~~ be paid by the third-party  
3376 administrator or designated approved providers in accordance  
3377 with the law, the contracts, and any applicable board rule or  
3378 policy.

3379 3. ~~To receive benefits under this subsection,~~ The  
3380 participant must be deceased.

3381 (b) In the event of a participant's death, all vested  
3382 accumulations as described in s. 121.4501(6), less withholding  
3383 taxes remitted to the Internal Revenue Service, shall be  
3384 distributed, as provided in paragraph (c) or as described in s.  
3385 121.4501(20), as if the participant retired on the date of  
3386 death. No other death benefits are ~~shall be~~ available for  
3387 survivors of participants ~~under the Public Employee Optional~~  
3388 ~~Retirement Program~~, except for ~~such~~ benefits, or coverage for  
3389 ~~such~~ benefits, as are otherwise provided by law or ~~are~~  
3390 separately provided ~~afforded~~ by the employer, at the employer's  
3391 discretion.

3392 (c) Upon receipt by the third-party administrator of a  
3393 properly executed application for distribution of benefits, the

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3394 total accumulated benefit is ~~shall be~~ payable by the third-party  
3395 administrator to the participant's surviving beneficiary or  
3396 beneficiaries, as:

3397 1. A lump-sum distribution payable to the beneficiary or  
3398 beneficiaries, or to the deceased participant's estate;

3399 2. An eligible rollover distribution on behalf of the  
3400 surviving spouse of a deceased participant, whereby all accrued  
3401 benefits, plus interest and investment earnings, are paid from  
3402 the deceased participant's account directly to the custodian of  
3403 an eligible retirement plan, as described in s. 402(c)(8)(B) of  
3404 the Internal Revenue Code, on behalf of the surviving spouse; or

3405 3. A partial lump-sum payment whereby a portion of the  
3406 accrued benefit is paid to the deceased participant's surviving  
3407 spouse or other designated beneficiaries, less withholding taxes  
3408 remitted to the Internal Revenue Service, and the remaining  
3409 amount is transferred directly to the custodian of an eligible  
3410 retirement plan, as described in s. 402(c)(8)(B) of the Internal  
3411 Revenue Code, on behalf of the surviving spouse. The proportions  
3412 must be specified by the participant or the surviving  
3413 beneficiary.

3414

3415 This paragraph does not abrogate other applicable provisions of  
3416 state or federal law providing for payment of death benefits.

3417 (4) LIMITATION ON LEGAL PROCESS.—The benefits payable to  
3418 any person under the Public Employee Optional Retirement  
3419 Program, and any contributions accumulated under such program,  
3420 are not subject to assignment, execution, attachment, or any  
3421 legal process, except for qualified domestic relations orders by  
3422 a court of competent jurisdiction, income deduction orders as

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3423 provided in s. 61.1301, and federal income tax levies.

3424 Section 86. Section 121.5911, Florida Statutes, is amended  
3425 to read:

3426 121.5911 Disability retirement program; qualified status;  
3427 rulemaking authority.—It is the intent of the Legislature that  
3428 the disability retirement program for participants of the Public  
3429 Employee Optional Retirement Program ~~as created in this act~~ must  
3430 meet all applicable requirements of federal law for a qualified  
3431 plan. The department ~~of Management Services~~ shall seek a private  
3432 letter ruling from the Internal Revenue Service on the  
3433 disability retirement program ~~for participants of the Public~~  
3434 ~~Employee Optional Retirement Program~~. Consistent with the  
3435 private letter ruling, the department ~~of Management Services~~  
3436 shall adopt ~~any necessary~~ rules necessary ~~required~~ to maintain  
3437 the qualified status of the disability retirement program and  
3438 the Florida Retirement System defined benefit program ~~plan~~.

3439 Section 87. Paragraph (b) of subsection (3) of section  
3440 121.78, Florida Statutes, is amended to read:

3441 121.78 Payment and distribution of contributions.—

3442 (3)

3443 (b) If contributions made by an employer on behalf of  
3444 participants of the optional retirement program or accompanying  
3445 payroll data are not received within the calendar month they are  
3446 due, including, but not limited to, contribution adjustments as  
3447 a result of employer errors or corrections, and if that  
3448 delinquency results in market losses to participants, the  
3449 employer shall reimburse each participant's account for market  
3450 losses resulting from the late contributions. If a participant  
3451 has terminated employment and taken a distribution, the

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3452 participant is responsible for returning any excess  
3453 contributions erroneously provided by employers, adjusted for  
3454 any investment gain or loss incurred during the period such  
3455 excess contributions were in the participant's ~~Public Employee~~  
3456 ~~Optional Retirement Program~~ account. The state board of  
3457 ~~Administration~~ or its designated agent shall communicate to  
3458 terminated participants any obligation to repay such excess  
3459 contribution amounts. However, the state board of  
3460 ~~Administration~~, its designated agents, the Public Employee  
3461 Optional Retirement Program Trust Fund, the department of  
3462 ~~Management Services~~, or the Florida Retirement System Trust Fund  
3463 may shall not incur any loss or gain as a result of an  
3464 employer's correction of such excess contributions. The third-  
3465 party administrator, hired by the state board pursuant to s.  
3466 121.4501(8), shall calculate the market losses for each affected  
3467 participant. If ~~When~~ contributions made on behalf of  
3468 participants of the optional retirement program or accompanying  
3469 payroll data are not received within the calendar month due, the  
3470 employer shall also pay the cost of the third-party  
3471 administrator's calculation and reconciliation adjustments  
3472 resulting from the late contributions. The third-party  
3473 administrator shall notify the employer of the results of the  
3474 calculations and the total amount due from the employer for such  
3475 losses and the costs of calculation and reconciliation. The  
3476 employer shall remit to the division the amount due within 10  
3477 working days after the date of the penalty notice sent by the  
3478 division. The Division of Retirement shall transfer said amount  
3479 to the third-party administrator, which ~~who~~ shall deposit  
3480 proceeds from the 1-percent assessment and from individual

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3481 market losses into participant accounts, as appropriate. The  
3482 state board may ~~is authorized to~~ adopt rules to administer  
3483 ~~implement~~ the provisions regarding late contributions, late  
3484 submission of payroll data, the process for reimbursing  
3485 participant accounts for resultant market losses, and the  
3486 penalties charged to the employers.

3487 Section 88. Subsection (6) of section 122.02, Florida  
3488 Statutes, is amended to read:

3489 122.02 Definitions.—The following words and phrases as used  
3490 in this chapter shall have the following meaning unless a  
3491 different meaning is plainly required by the context:

3492 (6) "Department" means the Department of Personnel  
3493 Management ~~Services~~.

3494 Section 89. Section 122.09, Florida Statutes, is amended to  
3495 read:

3496 122.09 Disability retirement; medical examinations.—An  
3497 ~~Whenever any~~ officer or employee of the state or a county who  
3498 has 10 years of ~~the state has~~ service credit ~~as such officer or~~  
3499 ~~employee for 10 years within the contemplation of this law, the~~  
3500 last 5 years of which, except for a single break not to exceed 1  
3501 year, is ~~must be~~ continuous, unbroken service and who is  
3502 regularly contributing to the State and County Officers and  
3503 Employees' Retirement Trust Fund and who, shall while holding  
3504 such office or employment, becomes ~~become~~ permanently and  
3505 totally disabled, physically or mentally, or both, from  
3506 rendering useful and efficient service as an ~~such~~ officer or  
3507 employee, ~~such officer or employee~~ may retire from his or her  
3508 office or employment, ~~and upon such retirement the officer or~~  
3509 ~~employee shall~~ be paid, so long as the permanent and total

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3510 disability continues, on his or her own monthly requisition,  
3511 from the State and County Officers and Employees' Retirement  
3512 Trust Fund ~~hereinafter established~~, retirement compensation as  
3513 provided in s. 122.08; provided that no officer or employee  
3514 retiring under this section shall receive less than 50 percent  
3515 of his or her average final compensation not to exceed \$75. The  
3516 ~~No~~ officer or employee may not ~~of the state and county of the~~  
3517 ~~state shall be permitted to~~ retire under ~~the provisions of this~~  
3518 section until examined by a ~~duly~~ qualified physician or surgeon  
3519 or board of physicians and surgeons, ~~to be~~ selected by the  
3520 Governor for that purpose, and found to be disabled in the  
3521 degree and in the manner specified in this section. An ~~Any~~  
3522 officer or employee retiring under this section must ~~shall~~ be  
3523 reexamined ~~examined~~ periodically by a ~~duly~~ qualified physician  
3524 or surgeon or board of physicians and surgeons ~~to be~~ selected by  
3525 the Governor for that purpose and paid from the retirement trust  
3526 fund ~~herein provided for~~, at such time as the department directs  
3527 ~~of Management Services shall direct~~ to determine if such total  
3528 disability has continued. If the ~~and in the event it be~~  
3529 ~~disclosed by said examination that said total disability has~~  
3530 ceased to exist, the ~~then such officer or employee shall~~  
3531 ~~forthwith cease to be paid~~ benefits paid under this section must  
3532 cease. Benefits shall be computed in accordance with Reference  
3533 ~~to s. 122.08 is for the purpose of computing benefits only~~. Any  
3534 person ~~heretofore~~ retired under this section qualifies ~~shall be~~  
3535 ~~eligible to qualify~~ for the minimum benefits provided herein;  
3536 however, minimum benefits may ~~shall~~ not be paid retroactively.

3537 Section 90. Section 122.23, Florida Statutes, is amended to  
3538 read:

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3539 122.23 Definitions; ss. 122.21-122.321.—In addition to  
3540 those definitions set forth in s. 122.02 the following words and  
3541 phrases used in ss. 122.21-122.24, 122.26 to 122.321, inclusive,  
3542 have the respective meanings set forth:

3543 (1) "System" means the general retirement system provided  
3544 by this chapter, with its two divisions.

3545 (2) "Social security coverage" means old age and survivors  
3546 insurance as provided by the federal Social Security Act.

3547 ~~(3) "Department" means the Department of Management~~  
3548 ~~Services.~~

3549 (3)~~(4)~~ "Agreement" means the modification of the ~~that~~  
3550 ~~certain~~ agreement entered into October 23, 1951, between the  
3551 State of Florida and the Secretary of Health, Education and  
3552 Welfare, pursuant to s. 650.03, which makes available to members  
3553 of division B of this system the provisions of said agreement.

3554 (4)~~(5)~~ "State agency" means the department ~~of Management~~  
3555 ~~Services~~ within the provisions and contemplation of chapter 650.

3556 Section 91. Subsection (11) of section 122.34, Florida  
3557 Statutes, is amended to read:

3558 122.34 Special provisions for certain sheriffs and full-  
3559 time deputy sheriffs.—

3560 (11) A ~~No~~ high hazard member may not ~~shall be permitted to~~  
3561 receive benefits under this section until examined by a ~~duly~~  
3562 qualified physician or surgeon, or board of physicians and  
3563 surgeons, ~~to be~~ selected by the Governor for that purpose, and  
3564 found to be disabled in the degree and in the manner specified  
3565 in this section. ~~At such time~~ As directed by the department ~~of~~  
3566 ~~Management Services~~ directs, a ~~any~~ high hazard member receiving  
3567 disability benefits under this section must ~~shall~~ submit to a

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3568 medical examination to determine if such disability has  
3569 continued., ~~and~~ The cost of such examination shall be paid from  
3570 the retirement trust fund ~~herein provided for;~~ and if the ~~in the~~  
3571 ~~event it is declared by said examination that said~~ disability  
3572 has cleared, the ~~such~~ member shall ~~be ordered to~~ return to  
3573 active duty with the same rank and salary that he or she had at  
3574 the time of disability. Any ~~such~~ member who fails ~~shall fail to~~  
3575 return to duty forfeits ~~following such order shall forfeit~~ all  
3576 rights and claims under this section ~~law~~. A ~~Every~~ high hazard  
3577 member retiring under this provision shall be paid so long as  
3578 the member's permanent total or partial disability continues, on  
3579 his or her own requisition.

3580 Section 92. Paragraph (a) of subsection (1) and subsection  
3581 (2) of section 145.19, Florida Statutes, are amended to read:

3582 145.19 Annual percentage increases based on increase for  
3583 state career service employees; limitation.—

3584 (1) As used in this section, the term:

3585 (a) "Annual factor" means 1 plus the lesser of:

3586 1. The average percentage increase in the salaries of state  
3587 career service employees for the current fiscal year as  
3588 determined by the Department of Personnel Management ~~Services~~ or  
3589 as provided in the General Appropriations Act; or

3590 2. Seven percent.

3591 (2) Each fiscal year, the salaries of all officials listed  
3592 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.  
3593 The adjusted salary rate is ~~shall be~~ the product, rounded to the  
3594 nearest dollar, of the salary rate granted by the appropriate  
3595 section of this chapter, s. 1001.395, or s. 1001.47 multiplied  
3596 first by the initial factor, then by the cumulative annual

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3597 factor, and finally by the annual factor. The Department of  
3598 Personnel Management ~~Services~~ shall certify the annual factor  
3599 and the cumulative annual factors. Any special qualification  
3600 salary received under this chapter, s. 1001.47, or the annual  
3601 performance salary incentive available to elected  
3602 superintendents under s. 1001.47 shall be added to such adjusted  
3603 salary rate. The special qualification salary is ~~shall be~~  
3604 \$2,000, ~~but shall not exceed \$2,000.~~

3605 Section 93. Subsection (2) of section 154.04, Florida  
3606 Statutes, is amended to read:

3607 154.04 Personnel of county health departments; duties;  
3608 compensation.—

3609 (2) The personnel of the county health department shall be  
3610 employed by the Department of Health. The compensation of such  
3611 personnel shall be determined in accordance with ~~under the~~ rules  
3612 of the Department of Personnel Management ~~Services~~. Such  
3613 employees shall engage in the prevention of disease and the  
3614 promotion of health under the supervision of the Department of  
3615 Health.

3616 Section 94. Paragraph (b) of subsection (9) and paragraph  
3617 (a) of subsection (10) of section 163.3184, Florida Statutes,  
3618 are amended to read:

3619 163.3184 Process for adoption of comprehensive plan or plan  
3620 amendment.—

3621 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

3622 (b) The hearing shall be conducted by an administrative law  
3623 judge of the Division of Administrative Hearings ~~of the~~  
3624 ~~Department of Management Services~~, who shall hold the hearing in  
3625 the county of and convenient to the affected local jurisdiction

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3626 and submit a recommended order to the state land planning  
3627 agency. The state land planning agency shall allow for the  
3628 filing of exceptions to the recommended order and shall issue a  
3629 final order after receipt of the recommended order if the state  
3630 land planning agency determines that the plan or plan amendment  
3631 is in compliance. If the state land planning agency determines  
3632 that the plan or plan amendment is not in compliance, the agency  
3633 shall submit the recommended order to the Administration  
3634 Commission for final agency action.

3635 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN  
3636 COMPLIANCE.—

3637 (a) If the state land planning agency issues a notice of  
3638 intent to find the comprehensive plan or plan amendment not in  
3639 compliance with this act, the notice of intent shall be  
3640 forwarded to the Division of Administrative Hearings ~~of the~~  
3641 ~~Department of Management Services~~, which shall conduct a  
3642 proceeding under ss. 120.569 and 120.57 in the county of and  
3643 convenient to the affected local jurisdiction. The parties to  
3644 the proceeding are ~~shall be~~ the state land planning agency, the  
3645 affected local government, and any affected person who  
3646 intervenes. No new issue may be alleged as a reason to find a  
3647 plan or plan amendment not in compliance in an administrative  
3648 pleading filed more than 21 days after publication of notice  
3649 unless the party seeking that issue establishes good cause for  
3650 not alleging the issue within that time period. Good cause does  
3651 ~~shall~~ not include excusable neglect. In the proceeding, the  
3652 local government's determination that the comprehensive plan or  
3653 plan amendment is in compliance is presumed ~~to be~~ correct. The  
3654 local government's determination shall be sustained unless it is

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3655 shown by a preponderance of the evidence that the comprehensive  
3656 plan or plan amendment is not in compliance. The local  
3657 government's determination that elements of its plans are  
3658 related to and consistent with each other shall be sustained if  
3659 the determination is fairly debatable.

3660 Section 95. Subsection (6) of section 175.032, Florida  
3661 Statutes, is amended to read:

3662 175.032 Definitions.—For any municipality, special fire  
3663 control district, chapter plan, local law municipality, local  
3664 law special fire control district, or local law plan under this  
3665 chapter, the following words and phrases have the following  
3666 meanings:

3667 (6) "Division" means the Division of Retirement of the  
3668 Department of Personnel Management ~~Services~~.

3669 Section 96. Section 175.1215, Florida Statutes, is amended  
3670 to read:

3671 175.1215 Police and Firefighters' Premium Tax Trust Fund.—  
3672 The Police and Firefighters' Premium Tax Trust Fund is created,  
3673 to be administered by the division ~~of Retirement of the~~  
3674 ~~Department of Management Services~~. Funds credited to the trust  
3675 fund, as provided in chapter 95-250, Laws of Florida, or similar  
3676 legislation, shall be expended for the purposes set forth in  
3677 that legislation.

3678 Section 97. Section 175.361, Florida Statutes, is amended  
3679 to read:

3680 175.361 Termination of plan and distribution of fund.—For  
3681 any municipality, special fire control district, chapter plan,  
3682 local law municipality, local law special fire control district,  
3683 or local law plan under this chapter, the plan may be terminated

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3684 by the municipality or special fire control district. Upon  
3685 termination of the plan by the municipality or special fire  
3686 control district for any reason or because of a transfer,  
3687 merger, or consolidation of governmental units, services, or  
3688 functions as provided in chapter 121, or upon written notice by  
3689 the municipality or special fire control district to the board  
3690 of trustees that contributions under the plan are being  
3691 permanently discontinued, the rights of all employees to  
3692 benefits accrued to the date of such termination and the amounts  
3693 credited to the employees' accounts are nonforfeitable. The fund  
3694 shall be distributed in accordance with the following  
3695 procedures:

3696 (1) The board of trustees shall determine the date of  
3697 distribution and the asset value required to fund all the  
3698 nonforfeitable benefits after taking into account the expenses  
3699 of such distribution. The board shall inform the municipality or  
3700 special fire control district if additional assets are required,  
3701 in which event the municipality or special fire control district  
3702 shall continue to financially support the plan until all  
3703 nonforfeitable benefits have been funded.

3704 (2) The board of trustees shall determine the method of  
3705 distribution of the asset value, whether distribution is ~~shall~~  
3706 ~~be~~ by payment in cash, by the maintenance of another or  
3707 substituted trust fund, by the purchase of insured annuities, or  
3708 otherwise, for each firefighter entitled to benefits under the  
3709 plan as specified in subsection (3).

3710 (3) The board of trustees shall distribute the asset value  
3711 as of the date of termination as ~~in the manner~~ set forth in this  
3712 subsection, on the basis that the amount required to provide any

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3713 given retirement income is the actuarially computed single-sum  
3714 value of such retirement income, except that if the method of  
3715 distribution determined under subsection (2) involves the  
3716 purchase of an insured annuity, the amount required to provide  
3717 the given retirement income is the single premium payable for  
3718 such annuity. The actuarial single-sum value may not be less  
3719 than the employee's accumulated contributions to the plan, with  
3720 interest if provided by the plan, less the value of any plan  
3721 benefits previously paid to the employee.

3722 (4) If there is asset value remaining after the full  
3723 distribution specified in subsection (3), and after the payment  
3724 of any expenses incurred with such distribution, such excess  
3725 shall be returned to the municipality or special fire control  
3726 district, less the return to the state of the state's  
3727 contributions, ~~provided that~~, If the excess is less than the  
3728 total contributions made by the municipality or special fire  
3729 control district and the state to date of termination of the  
3730 plan, such excess shall be divided proportionately to the total  
3731 contributions made by the municipality or special fire control  
3732 district and the state.

3733 (5) The board of trustees shall distribute, in accordance  
3734 with subsection (2), the amounts determined under subsection  
3735 (3).

3736 (6) If, after 24 months after the date the plan terminated  
3737 or the date the board received written notice that the  
3738 contributions ~~thereunder~~ were being permanently discontinued,  
3739 the municipality or special fire control district or the board  
3740 of trustees of the firefighters' pension trust fund affected has  
3741 not complied with all the provisions in this section, the

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3742 Department of Personnel Management ~~Services~~ shall effect the  
3743 termination of the fund in accordance with this section.

3744 Section 98. Subsection (7) of section 185.02, Florida  
3745 Statutes, is amended to read:

3746 185.02 Definitions.—For any municipality, chapter plan,  
3747 local law municipality, or local law plan under this chapter,  
3748 the following words and phrases as used in this chapter shall  
3749 have the following meanings, unless a different meaning is  
3750 plainly required by the context:

3751 (7) "Division" means the Division of Retirement of the  
3752 Department of Personnel Management ~~Services~~.

3753 Section 99. Section 185.105, Florida Statutes, is amended  
3754 to read:

3755 185.105 Police and Firefighters' Premium Tax Trust Fund.—  
3756 The Police and Firefighters' Premium Tax Trust Fund is the trust  
3757 fund created under s. 175.1215 and ~~is created, to be~~  
3758 ~~administered by the division of Retirement of the Department of~~  
3759 ~~Management Services. Funds credited to the trust fund, as~~  
3760 ~~provided in chapter 95-250, Laws of Florida, or similar~~  
3761 ~~legislation, shall be expended for the purposes set forth in~~  
3762 ~~that legislation.~~

3763 Section 100. Section 185.37, Florida Statutes, is amended  
3764 to read:

3765 185.37 Termination of plan and distribution of fund.—For  
3766 any municipality, chapter plan, local law municipality, or local  
3767 law plan under this chapter, the plan may be terminated by the  
3768 municipality. Upon termination of the plan by the municipality  
3769 for any reason, or because of a transfer, merger, or  
3770 consolidation of governmental units, services, or functions as

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3771 provided in chapter 121, or upon written notice to the board of  
3772 trustees by the municipality that contributions under the plan  
3773 are being permanently discontinued, the rights of all employees  
3774 to benefits accrued to the date of such termination or  
3775 discontinuance and the amounts credited to the employees'  
3776 accounts are nonforfeitable. The fund shall be distributed in  
3777 accordance with the following procedures:

3778 (1) The board of trustees shall determine the date of  
3779 distribution and the asset value required to fund all the  
3780 nonforfeitable benefits, after taking into account the expenses  
3781 of such distribution. The board shall inform the municipality if  
3782 additional assets are required, in which event the municipality  
3783 shall continue to financially support the plan until all  
3784 nonforfeitable benefits have been funded.

3785 (2) The board of trustees shall determine the method of  
3786 distribution of the asset value, whether distribution is ~~shall~~  
3787 ~~be~~ by payment in cash, by the maintenance of another or  
3788 substituted trust fund, by the purchase of insured annuities, or  
3789 otherwise, for each police officer entitled to benefits under  
3790 the plan, as specified in subsection (3).

3791 (3) The board of trustees shall distribute the asset value  
3792 as of the date of termination in the manner set forth in this  
3793 subsection, on the basis that the amount required to provide any  
3794 given retirement income is the actuarially computed single-sum  
3795 value of such retirement income, except that if the method of  
3796 distribution determined under subsection (2) involves the  
3797 purchase of an insured annuity, the amount required to provide  
3798 the given retirement income is the single premium payable for  
3799 such annuity. The actuarial single-sum value may not be less

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3800 than the employee's accumulated contributions to the plan, with  
3801 interest if provided by the plan, less the value of any plan  
3802 benefits previously paid to the employee.

3803 (4) If there is asset value remaining after the full  
3804 distribution specified in subsection (3), and after payment of  
3805 any expenses incurred with such distribution, such excess shall  
3806 be returned to the municipality, less the return to the state of  
3807 the state's contributions., ~~provided that,~~ If the excess is less  
3808 than the total contributions made by the municipality and the  
3809 state to date of termination of the plan, such excess shall be  
3810 divided proportionately to the total contributions made by the  
3811 municipality and the state.

3812 (5) The board of trustees shall distribute, in accordance  
3813 with the manner of distribution determined under subsection (2),  
3814 the amounts determined under subsection (3).

3815 (6) If, after 24 months after the date the plan terminated  
3816 or the date the board received written notice that the  
3817 contributions ~~thereunder~~ were being permanently discontinued,  
3818 the municipality or the board of trustees of the municipal  
3819 police officers' retirement trust fund affected has not complied  
3820 with all the provisions in this section, the Department of  
3821 Management Services shall effect the termination of the fund in  
3822 accordance with this section.

3823 Section 101. Subsection (5) of section 189.4035, Florida  
3824 Statutes, is amended to read:

3825 189.4035 Preparation of official list of special  
3826 districts.—

3827 (5) The official list of special districts shall be  
3828 distributed by the department on October 1 of each year to the

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3829 President of the Senate, the Speaker of the House of  
3830 Representatives, the Auditor General, the Department of Revenue,  
3831 the Department of Financial Services, the Department of  
3832 Personnel Management Services, the State Board of  
3833 Administration, counties, municipalities, county property  
3834 appraisers, tax collectors, and supervisors of elections and to  
3835 all interested parties who request the list.

3836 Section 102. Subsection (1) of section 189.412, Florida  
3837 Statutes, is amended to read:

3838 189.412 Special District Information Program; duties and  
3839 responsibilities.—The Special District Information Program of  
3840 the Department of Community Affairs is created and has the  
3841 following special duties:

3842 (1) The collection and maintenance of special district  
3843 noncompliance status reports from the Department of Personnel  
3844 Management ~~Services~~, the Department of Financial Services, the  
3845 Division of Bond Finance of the State Board of Administration,  
3846 and the Auditor General for the reporting required in ss.  
3847 112.63, 218.32, 218.38, and 218.39. The ~~noncompliance~~ reports  
3848 must list those special districts that did not comply with the  
3849 statutory reporting requirements.

3850 Section 103. Subsection (1) of section 210.20, Florida  
3851 Statutes, is amended to read:

3852 210.20 Employees and assistants; distribution of funds.—

3853 (1) The division under the applicable rules of the  
3854 Department of Personnel Management may ~~Services shall have the~~  
3855 ~~power to~~ employ such employees and assistants and incur such  
3856 other expenses as ~~may be~~ necessary for the administration of  
3857 this part, within the limits of an appropriation for the

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3858 operation of the Department of Business and Professional  
3859 Regulation as ~~may be~~ authorized by the General Appropriations  
3860 Act.

3861 Section 104. Subsection (1) of section 210.75, Florida  
3862 Statutes, is amended to read:

3863 210.75 Administration.—

3864 (1) The division, under the applicable rules of the  
3865 Department of Personnel Management may Services, ~~shall have the~~  
3866 ~~power to~~ employ such employees and assistants and ~~to~~ incur such  
3867 other expenses as ~~may be~~ necessary for the administration of  
3868 this part within the limits of an appropriation for the  
3869 operation of the Department of Business and Professional  
3870 Regulation as ~~may be~~ authorized by the General Appropriations  
3871 Act.

3872 Section 105. Paragraph (r) of subsection (8) of section  
3873 213.053, Florida Statutes, is amended to read:

3874 213.053 Confidentiality and information sharing.—

3875 (8) Notwithstanding any other provision of this section,  
3876 the department may provide:

3877 (r) Information relative to the returns required by ss.  
3878 175.111 and 185.09 to the Department of Personnel Management  
3879 ~~Services~~ in the conduct of its official duties. The Department  
3880 of Personnel Management may Services ~~is~~, in turn, ~~authorized to~~  
3881 disclose payment information to a governmental agency or the  
3882 agency's agent for purposes related to budget preparation,  
3883 auditing, revenue or financial administration, or administration  
3884 of chapters 175 and 185.

3885  
3886 Disclosure of information under this subsection shall be

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3887 pursuant to a written agreement between the executive director  
3888 and the agency. Such agencies, governmental or nongovernmental,  
3889 shall be bound by the same requirements of confidentiality as  
3890 the Department of Revenue. Breach of confidentiality is a  
3891 misdemeanor of the first degree, punishable as provided by s.  
3892 775.082 or s. 775.083.

3893 Section 106. Subsection (1) of section 215.196, Florida  
3894 Statutes, is amended to read:

3895 215.196 Architects Incidental Trust Fund; creation;  
3896 assessment.—

3897 (1) ~~There is created~~ The Architects Incidental Trust Fund  
3898 is created for the purpose of providing sufficient funds for the  
3899 operation of the facilities development activities of the  
3900 Department of Environmental Protection ~~Management Services~~.

3901 Section 107. Paragraph (p) of subsection (1) of section  
3902 215.22, Florida Statutes, is amended to read:

3903 215.22 Certain income and certain trust funds exempt.—

3904 (1) The following income of a revenue nature or the  
3905 following trust funds shall be exempt from the appropriation  
3906 required by s. 215.20(1):

3907 (p) The Communications Working Capital Trust Fund of the  
3908 Agency for Enterprise Information Technology ~~Department of~~  
3909 ~~Management Services~~.

3910 Section 108. Subsection (3) of section 215.28, Florida  
3911 Statutes, is amended to read:

3912 215.28 United States securities, purchase by state and  
3913 county officers and employees; deductions from salary.—

3914 (3) All deductions ~~so~~ made by a ~~any such~~ disbursing  
3915 authority shall be deposited in a trust account separate and

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3916 apart from the funds of the state, county, or subordinate  
3917 agency. Such account is ~~will be~~ subject to withdrawal only for  
3918 the purchase of United States securities on behalf of officers  
3919 and employees, or for refunds to such persons in accordance with  
3920 ~~the provisions of this section law.~~ If ~~Whenever~~ the sum of  
3921 \$18.75 or the purchase price of the security requested to be  
3922 purchased is accumulated from deductions ~~so~~ made from the  
3923 salaries or wages of an officer or employee, the ~~such~~ disbursing  
3924 agent shall arrange the purchase of the bond or security applied  
3925 for and have it registered in the name or names requested in the  
3926 deduction authorization. Securities so purchased must ~~will~~ be  
3927 delivered in a ~~such~~ manner that is ~~as may be~~ convenient for the  
3928 issuing agent and the purchaser. Any interest earned on moneys  
3929 ~~in such account while~~ awaiting the accumulation of the purchase  
3930 price of the security shall be transferred to the Florida  
3931 Retirement System Trust Fund as reimbursement for administrative  
3932 costs incurred by the Department of Personnel Management  
3933 ~~Services~~ under this section.

3934 Section 109. Subsection (6) of section 215.422, Florida  
3935 Statutes, is amended to read:

3936 215.422 Payments, warrants, and invoices; processing time  
3937 limits; dispute resolution; agency or judicial branch  
3938 compliance.—

3939 (6) The Department of Financial Services shall monitor each  
3940 agency's and the judicial branch's compliance with the time  
3941 limits and interest penalty provisions of this section. The  
3942 department shall provide a report to an agency or to the  
3943 judicial branch if the department determines that the agency or  
3944 the judicial branch has failed to maintain an acceptable rate of

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3945 compliance with the time limits and interest penalty provisions  
3946 ~~of this section~~. The department shall establish criteria for  
3947 determining acceptable rates of compliance. The report must  
3948 ~~shall~~ also include a list of late invoices or payments, the  
3949 amount of interest owed or paid, and any corrective actions  
3950 recommended. The department shall perform monitoring  
3951 responsibilities, pursuant to this section, using the Department  
3952 of Financial Services' financial systems provided in s. 215.94.  
3953 Each agency and the judicial branch shall be responsible for the  
3954 accuracy of information entered into ~~the Department of~~  
3955 ~~Management Services' procurement system and the department's~~  
3956 ~~Department of Financial Services'~~ financial systems for use in  
3957 this monitoring.

3958 Section 110. Section 215.425, Florida Statutes, is amended  
3959 to read:

3960 215.425 Extra compensation claims prohibited. ~~No~~ Extra  
3961 compensation may not be paid ~~shall be made~~ to any officer,  
3962 agent, employee, or contractor after the service has been  
3963 rendered or the contract made; nor shall any money be  
3964 appropriated or paid on any claim the subject matter of which  
3965 has not been provided for by preexisting laws, unless such  
3966 compensation or claim is allowed by a law enacted by two-thirds  
3967 of the members elected to each house of the Legislature.  
3968 However, when adopting salary schedules for a fiscal year, a  
3969 district school board or community college district board of  
3970 trustees may apply the schedule for payment of all services  
3971 rendered after ~~subsequent to~~ July 1 of that fiscal year. The  
3972 provisions of this section do not apply to extra compensation  
3973 given to state employees who are included within the senior

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3974 management group pursuant to rules adopted by the Department of  
3975 Personnel Management ~~Services~~; to extra compensation given to  
3976 county, municipal, or special district employees pursuant to  
3977 policies adopted by county or municipal ordinances or  
3978 resolutions of governing boards of special districts or to  
3979 employees of the clerk of the circuit court pursuant to written  
3980 policy of the clerk; or to a clothing and maintenance allowance  
3981 given to plainclothes deputies pursuant to s. 30.49.

3982 Section 111. Paragraph (g) of subsection (1) of section  
3983 215.47, Florida Statutes, is amended to read:

3984 215.47 Investments; authorized securities; loan of  
3985 securities.—Subject to the limitations and conditions of the  
3986 State Constitution or of the trust agreement relating to a trust  
3987 fund, moneys available for investments under ss. 215.44-215.53  
3988 may be invested as follows:

3989 (1) Without limitation in:

3990 (g) Bonds issued by the Florida State Improvement  
3991 Commission, Florida Development Commission, ~~Division of Bond~~  
3992 ~~Finance of the Department of General Services~~, or Division of  
3993 Bond Finance of the State Board of Administration.

3994 Section 112. Subsection (3) of section 215.50, Florida  
3995 Statutes, is amended to read:

3996 215.50 Custody of securities purchased; income.—

3997 (3) The Chief Financial Officer, as custodian of securities  
3998 owned by the Florida Retirement System Trust Fund and the  
3999 Florida Survivor Benefit Trust Fund, shall collect the interest,  
4000 dividends, prepayments, maturities, proceeds from sales, and  
4001 other income accruing from such assets. As such income is  
4002 collected by the Chief Financial Officer, it shall be deposited

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4003 directly into a commercial bank to the credit of the State Board  
4004 of Administration. The ~~Such~~ bank accounts ~~as may be~~ required for  
4005 this purpose shall offer satisfactory collateral security as  
4006 provided by chapter 280. If the ~~In the event~~ funds ~~se~~ deposited  
4007 ~~according to the provisions of this section~~ are required to pay  
4008 ~~for the purpose of paying~~ benefits or other operational needs,  
4009 the State Board of Administration shall remit to the Florida  
4010 Retirement System Trust Fund in the State Treasury such amounts  
4011 as may be requested by the Department of Personnel Management  
4012 ~~Services~~.

4013 Section 113. Subsections (4) and (5) of section 215.94,  
4014 Florida Statutes, are amended to read:

4015 215.94 Designation, duties, and responsibilities of  
4016 functional owners.-

4017 (4) The Department of Financial ~~Management~~ Services ~~is~~  
4018 ~~shall be~~ the functional owner of the Purchasing Subsystem. The  
4019 department shall design, implement, and operate the subsystem in  
4020 accordance with ~~the provisions of~~ ss. 215.90-215.96. The  
4021 subsystem includes ~~shall include~~, but is ~~shall~~ not ~~be~~ limited  
4022 to, functions for commodity and service procurement.

4023 (5) The Department of Personnel Management is ~~Services~~  
4024 ~~shall be~~ the functional owner of the Personnel Information  
4025 System. The department shall ensure that the system is designed,  
4026 implemented, and operated in accordance with ~~the provisions of~~  
4027 ss. 110.116 and 215.90-215.96. The department may contract with  
4028 a vendor to provide the system and services required of the  
4029 ~~Personnel Information~~ system. The subsystem includes ~~shall~~  
4030 ~~include~~, but is ~~shall~~ not ~~be~~ limited to, functions for:

4031 (a) Maintenance of employee and position data, including

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4032 funding sources and percentages and salary lapse. The employee  
4033 data includes ~~shall include~~, but is not ~~be~~ limited to,  
4034 information to meet the payroll system requirements of the  
4035 Department of Financial Services and to meet the employee  
4036 benefit system requirements of the Department of Personnel  
4037 Management ~~Services~~.

4038 (b) Recruitment and selection.

4039 (c) Time and leave reporting.

4040 (d) Collective bargaining.

4041 Section 114. Subsection (2) of section 215.96, Florida  
4042 Statutes, is amended to read:

4043 215.96 Coordinating council and design and coordination  
4044 staff.—

4045 (2) The coordinating council shall consist of the Chief  
4046 Financial Officer; the Commissioner of Agriculture; the  
4047 executive director ~~secretary~~ of the Department of Personnel  
4048 Management ~~Services~~; the Attorney General; and the Director of  
4049 Planning and Budgeting, Executive Office of the Governor, or  
4050 their designees. The Chief Financial Officer, or a ~~his or her~~  
4051 designee, shall be the chair of the coordinating council, and  
4052 the design and coordination staff shall provide administrative  
4053 and clerical support to the council and the board. The design  
4054 and coordination staff shall maintain the minutes of each  
4055 meeting and ~~shall~~ make such minutes available to any interested  
4056 person. The Auditor General, the State Courts Administrator, an  
4057 executive officer of the Florida Association of State Agency  
4058 Administrative Services Directors, and an executive officer of  
4059 the Florida Association of State Budget Officers, or their  
4060 designees, shall serve without voting rights as ex officio

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4061 members on the coordinating council. The chair may call meetings  
4062 of the coordinating council as often as necessary to transact  
4063 business; however, the coordinating council must ~~shall~~ meet at  
4064 least once a year. Action of the coordinating council shall be  
4065 by motion, duly made, seconded and passed by a majority of the  
4066 coordinating council voting in the affirmative for approval of  
4067 items that are to be recommended for approval to the Financial  
4068 Management Information Board.

4069 Section 115. Section 216.0152, Florida Statutes, is amended  
4070 to read:

4071 216.0152 Inventory of state-owned facilities or state-  
4072 occupied facilities.—

4073 (1) The Department of Environmental Protection Management  
4074 ~~Services~~ shall develop and maintain an automated inventory of  
4075 all facilities owned, leased, rented, or otherwise occupied or  
4076 maintained by any state agency ~~of the state~~ or by the judicial  
4077 branch, except those with less than 3,000 square feet. The  
4078 inventory must ~~shall~~ include the location, occupying agency,  
4079 ownership, size, condition assessment, maintenance record, age,  
4080 parking and employee facilities, and other information ~~as~~  
4081 required by the department for determining maintenance needs and  
4082 life-cycle cost evaluations of the facility. The inventory need  
4083 not include a condition assessment or maintenance record of  
4084 facilities not owned by a state agency or by the judicial  
4085 branch. The term "facility," as used in this section, means  
4086 buildings, structures, and building systems, but does not  
4087 include transportation facilities of the state transportation  
4088 system. The Department of Transportation shall develop and  
4089 maintain an inventory of transportation facilities of the state

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4090 transportation system. The Board of Governors of the State  
4091 University System and the Department of Education, respectively,  
4092 shall develop and maintain an inventory, in the manner  
4093 prescribed by the Department of Environmental Protection  
4094 ~~Management Services~~, of all state university and community  
4095 college facilities and shall make the data available in a format  
4096 acceptable to the Department of Environmental Protection  
4097 ~~Management Services~~.

4098 (2) The Department of Environmental Protection ~~Management~~  
4099 ~~Services~~ shall update its inventory and cause ~~to be updated~~ the  
4100 other inventories required by subsection (1) to be updated at  
4101 least once every 5 years. However, ~~but~~ the inventories must  
4102 ~~shall~~ record acquisitions of new facilities and significant  
4103 changes in existing facilities as they occur. The department ~~of~~  
4104 ~~Management Services~~ shall provide each state agency and the  
4105 judicial branch with the most recent inventory applicable to  
4106 that agency or to the judicial branch. Each state agency and the  
4107 judicial branch shall, in the manner prescribed by the  
4108 department ~~of Management Services~~, report significant changes in  
4109 the inventory as they occur. Items relating to the condition and  
4110 life-cycle cost of a facility must ~~shall~~ be updated at least  
4111 every 5 years.

4112 (3) The Department of Environmental Protection ~~Management~~  
4113 ~~Services~~ shall, every 3 years, publish a complete report  
4114 detailing this inventory and ~~shall~~ publish an annual update of  
4115 the report. The department shall furnish the updated report to  
4116 the Executive Office of the Governor and the Legislature by ~~no~~  
4117 ~~later than~~ September 15 of each year.

4118 Section 116. Subsection (1) of section 216.016, Florida

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4119 Statutes, is amended to read:

4120 216.016 Evaluation of plans; determination of financing  
4121 method.—

4122 (1) Pursuant to ~~the requirements of~~ s. 216.044, the  
4123 Department of Environmental Protection Management Services shall  
4124 evaluate state agency plans and plans of the judicial branch.

4125 Section 117. Paragraph (a) of subsection (4) of section  
4126 216.023, Florida Statutes, is amended to read:

4127 216.023 Legislative budget requests to be furnished to  
4128 Legislature by agencies.—

4129 (4) (a) The legislative budget request must include ~~contain~~  
4130 for each program:

4131 1. The constitutional or statutory authority for a program,  
4132 a brief purpose statement, and approved program components.

4133 2. Information on expenditures for 3 fiscal years by  
4134 appropriation category, which includes ~~(actual prior-year~~  
4135 ~~expenditures, current-year estimated expenditures, and agency~~  
4136 ~~budget requested expenditures for the next fiscal year)~~ by  
4137 appropriation category.

4138 3. Details on trust funds and fees.

4139 4. The total number of positions, including ~~(authorized,~~  
4140 ~~fixed, and requested)~~.

4141 5. An issue narrative describing and justifying changes in  
4142 amounts and positions requested for current and proposed  
4143 programs for the next fiscal year.

4144 6. Information resource requests.

4145 7. Supporting information, including applicable cost-  
4146 benefit analyses, business case analyses, performance  
4147 contracting procedures, service comparisons, and impacts on

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4148 performance standards for any request to outsource or privatize  
4149 agency functions. The cost-benefit and business case analyses  
4150 must include an assessment of the impact on each affected  
4151 activity from those identified in accordance with paragraph (b).  
4152 Performance standards must include standards for each affected  
4153 activity and be expressed in terms of the associated unit of  
4154 activity.

4155 8. An evaluation of any major outsourcing and privatization  
4156 initiatives undertaken during the last 5 fiscal years having  
4157 aggregate expenditures exceeding \$10 million during the term of  
4158 the contract. The evaluation must ~~shall~~ include an assessment of  
4159 contractor performance, a comparison of anticipated service  
4160 levels to actual service levels, and a comparison of estimated  
4161 savings to actual savings achieved. Consolidated reports issued  
4162 by the Department of Financial ~~Management~~ Services may be used  
4163 to satisfy this requirement.

4164 9. Supporting information for any proposed consolidated  
4165 financing of deferred-payment commodity contracts including  
4166 guaranteed energy performance savings contracts. Supporting  
4167 information must also include narrative describing and  
4168 justifying the need, baseline for current costs, estimated cost  
4169 savings, projected equipment purchases, estimated contract  
4170 costs, and return on investment calculation.

4171 10. For projects that exceed \$10 million in total cost, the  
4172 statutory reference of the existing policy or the proposed  
4173 substantive policy that establishes and defines the project's  
4174 governance structure, planned scope, main business objectives  
4175 that must be achieved, and estimated completion timeframes.  
4176 Information technology budget requests for the continuance of

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4177 existing hardware and software maintenance agreements, renewal  
4178 of existing software licensing agreements, or the replacement of  
4179 desktop units with new technology that is similar to the  
4180 technology currently in use are exempt from this requirement.

4181 Section 118. Section 216.044, Florida Statutes, is amended  
4182 to read:

4183 216.044 Budget evaluation by ~~Department of Management~~  
4184 ~~Services.~~—

4185 (1) Any state agency or judicial branch entity requesting a  
4186 fixed capital outlay project to be managed by the Department of  
4187 Environmental Protection ~~Management Services~~ shall consult with  
4188 that department during the budget development process. The  
4189 department ~~of Management Services~~ shall provide recommendations  
4190 regarding construction requirements, cost of the project, and  
4191 project alternatives to be incorporated in the agency's or  
4192 entity's proposed fixed capital outlay budget request and  
4193 narrative justification.

4194 (2) Concurrently with the submission of the fixed capital  
4195 outlay legislative budget request to the Executive Office of the  
4196 Governor or to the Chief Justice of the Supreme Court, the  
4197 agency or judicial branch shall submit a copy of the legislative  
4198 budget request to the Department of Environmental Protection  
4199 ~~Management Services~~ for evaluation.

4200 (3) The Department of Environmental Protection ~~Management~~  
4201 ~~Services~~ shall advise the Executive Office of the Governor, the  
4202 Chief Justice, and the Legislature regarding alternatives to the  
4203 proposed fixed capital outlay project and make recommendations  
4204 relating to the construction requirements and cost of the  
4205 project. These recommendations shall be provided to the

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4206 Legislature and Executive Office of the Governor at a time  
4207 specified by the Governor, but at least ~~not less than~~ 90 days  
4208 before ~~prior to~~ the regular session of the Legislature. When  
4209 evaluating alternatives, the department ~~of Management Services~~  
4210 shall include information as to whether it would be more cost-  
4211 efficient to lease private property or facilities, to construct  
4212 facilities on property presently owned by the state, or to  
4213 acquire property on which to construct the facilities. In  
4214 determining the cost to the state of constructing facilities on  
4215 property presently owned by the state or the cost of acquiring  
4216 property on which to construct facilities, the department ~~of~~  
4217 ~~Management Services~~ shall include the costs that ~~which~~ would be  
4218 incurred by a private person in acquiring the property and  
4219 constructing the facilities, including, but not limited to,  
4220 taxes and return on investment.

4221 Section 119. Paragraph (c) of subsection (2) of section  
4222 216.163, Florida Statutes, is amended to read:

4223 216.163 Governor's recommended budget; form and content;  
4224 declaration of collective bargaining impasses.-

4225 (2) The Governor's recommended budget shall also include:

4226 (c) The evaluation of the fixed capital outlay request of  
4227 each agency and the judicial branch and alternatives to the  
4228 proposed projects as made by the Department of Environmental  
4229 Protection Management Services pursuant to s. 216.044.

4230 Section 120. Section 216.237, Florida Statutes, is amended  
4231 to read:

4232 216.237 Availability of any remaining funds; ~~agency~~  
4233 maintenance of accounting records.-Any funds remaining ~~funds~~  
4234 from the General Revenue Fund and trust fund spending authority

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4235 not awarded to agencies pursuant to s. 216.236 shall be made  
4236 available to agencies for innovative projects that ~~which~~  
4237 generate a cost savings, increase revenue, or improve service  
4238 delivery. Innovative projects that ~~which~~ generate a cost savings  
4239 shall receive greater consideration when awarding innovation  
4240 ~~investment~~ funds. Any trust fund authority granted under this  
4241 program must be used ~~shall be utilized~~ in a manner that is  
4242 consistent with the statutory authority for the use of the ~~said~~  
4243 trust fund. Any savings realized as a result of implementing the  
4244 innovative project must ~~shall~~ be used by the agency to establish  
4245 an internal innovations fund. State agencies that ~~which~~ are  
4246 awarded funds for innovative projects shall use ~~utilize~~ the  
4247 chart of accounts used by the Florida Accounting Information  
4248 Resource Subsystem in the manner described in s. 215.93(3). The  
4249 ~~Such~~ chart of accounts shall be developed and amended in  
4250 consultation with the Department of Financial Services and the  
4251 Executive Office of the Governor to separate and account for ~~the~~  
4252 savings that result from the implementation of the innovative  
4253 projects and to keep track of how the innovative funds are  
4254 reinvested by the state agency to fund additional innovative  
4255 projects, which may include, but are not ~~be~~ limited to,  
4256 expenditures for training and information technology resources.  
4257 Guidelines for the establishment of such internal innovations  
4258 fund shall be provided by the Department of Financial Management  
4259 Services. Any agency awarded funds under this section must ~~shall~~  
4260 maintain detailed accounting records showing all expenses, loan  
4261 transfers, savings, or other financial actions concerning the  
4262 project. Any savings realized as a result of implementing the  
4263 innovative project must ~~shall~~ be quantified, validated, and

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4264 verified by the agency. A final report of the results of the  
4265 implementation of each innovative project must ~~shall~~ be  
4266 submitted by each participating agency to the Governor's Office  
4267 of Policy and Budget Planning and Budgeting and the legislative  
4268 appropriations committees by June 30 of the fiscal year in which  
4269 the funds were received and ensuing fiscal years for the life of  
4270 the project.

4271 Section 121. Section 216.238, Florida Statutes, is amended  
4272 to read:

4273 216.238 Rules ~~Authority given to carry out provisions of~~  
4274 ~~program.~~—The Department of Financial Management Services shall,  
4275 ~~in accordance with chapter 120,~~ adopt, promulgate, amend, or  
4276 ~~rescind such~~ rules as it deems necessary and administratively  
4277 feasible to administer ~~carry out the provisions of the~~  
4278 Innovation Investment Program.

4279 Section 122. Paragraphs (d), (e), (f), and (g) of  
4280 subsection (1) and subsection (3) of section 216.262, Florida  
4281 Statutes, are amended to read:

4282 216.262 Authorized positions.—

4283 (1)

4284 (d) An individual employed by a state agency or by the  
4285 judicial branch may not hold more than one employment during his  
4286 or her normal working hours with the state, such working hours  
4287 to be determined by the head of the state agency affected,  
4288 unless approved by the Department of Personnel Management  
4289 ~~Services~~, or otherwise delegated to the agency head, or by the  
4290 Chief Justice of the Supreme Court, respectively.

4291 (e) An individual employed by a state agency or by the  
4292 judicial branch may not fill more than a total of one full-time

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4293 equivalent established position, receive compensation  
4294 simultaneously from any appropriation other than appropriations  
4295 for salaries, or receive compensation simultaneously from more  
4296 than one state agency unless approved by the Department of  
4297 Personnel Management Services, or otherwise delegated to the  
4298 agency head, or by the Chief Justice, respectively, during each  
4299 fiscal year. The department ~~of Management Services~~ may adopt  
4300 uniform rules applicable to the executive branch agencies to  
4301 implement its responsibilities under this paragraph.

4302 (f) Perquisites may not be furnished by a state agency or  
4303 by the judicial branch unless approved by the Department of  
4304 Personnel Management Services, or otherwise delegated to the  
4305 agency head, or by the Chief Justice, respectively, during each  
4306 fiscal year. ~~If Whenever~~ a state agency or the judicial branch  
4307 is to furnish perquisites, the department ~~of Management Services~~  
4308 or the agency head to which the approval has been delegated or  
4309 the Chief Justice, respectively, must approve the kind and  
4310 monetary value of such perquisites before they are ~~may be~~  
4311 furnished. Perquisites may be furnished only if when in the best  
4312 interest of the state due to the exceptional or unique  
4313 requirements of the position. The value of a perquisite may not  
4314 be used to compute an employee's base rate of pay or regular  
4315 rate of pay unless required by the Fair Labor Standards Act.  
4316 Permissible perquisites include, but are not limited to, moving  
4317 expenses, clothing, use of vehicles and other transportation,  
4318 domestic services, groundskeeping services, telephone services,  
4319 medical services, housing, utilities, and meals. The Department  
4320 of Personnel Management Services may adopt uniform rules  
4321 applicable to the executive branch agencies to implement its

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4322 responsibilities under this paragraph, which ~~rules~~ may specify  
4323 additional perquisites, establish additional criteria for each  
4324 kind of perquisite, provide the procedure to be used by  
4325 executive agencies in applying for approvals, and establish the  
4326 required justification. As used in this section, the term  
4327 "perquisites" means those things, or the use thereof, or  
4328 services of a kind that confer on the officers or employees  
4329 receiving them some benefit that is in the nature of additional  
4330 compensation, or that reduce to some extent the normal personal  
4331 expenses of the officer or employee receiving them. The term  
4332 includes, but is not limited to, such things as quarters,  
4333 subsistence, utilities, laundry services, medical service, use  
4334 of state-owned vehicles for other than state purposes, and  
4335 servants paid by the state.

4336 (g) If goods and services are to be sold to officers and  
4337 employees of a state agency or of the judicial branch rather  
4338 than being furnished as perquisites, the kind and selling price  
4339 must ~~thereof shall~~ be approved by the Department of Personnel  
4340 Management ~~Services~~, unless otherwise delegated to the agency  
4341 head, or by the Chief Justice, respectively, during each fiscal  
4342 year before such sales are made. The selling price may be  
4343 deducted from any amounts due by the state to the ~~any~~ person  
4344 receiving such things. The amount of cash so deducted must ~~shall~~  
4345 be faithfully accounted for. This paragraph does not apply to  
4346 sales to officers or employees of items generally sold to the  
4347 public and does not apply to meals that ~~which~~ may be provided  
4348 without charge to volunteers under a volunteer service program  
4349 approved by the Department of Personnel Management ~~Services~~. The  
4350 goods and services may include, but are not limited to, medical

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4351 services, long-term and short-term rental housing, and laundry  
4352 and transportation services. The department ~~of Management~~  
4353 ~~Services~~ may adopt uniform rules applicable to the executive  
4354 branch agencies to implement its responsibilities under this  
4355 paragraph, which ~~rules~~ may specify other items that may be  
4356 approved, the required justification for proposed sales, and the  
4357 manner in which agencies are required to ~~will~~ apply for  
4358 approvals.

4359 (3) A ~~No~~ full-time position may not ~~shall~~ be filled by more  
4360 than the equivalent of one full-time officer or employee, except  
4361 when extenuating circumstances exist. Extenuating circumstances  
4362 must ~~will~~ be provided for in rules to be adopted by the  
4363 Department of Personnel Management ~~Services~~ or by the Chief  
4364 Justice, respectively.

4365 Section 123. Paragraph (c) of subsection (6) of section  
4366 216.292, Florida Statutes, is amended to read:

4367 216.292 Appropriations nontransferable; exceptions.—

4368 (6) The Chief Financial Officer shall transfer from any  
4369 available funds of an agency or the judicial branch the  
4370 following amounts and shall report all such transfers and the  
4371 reasons therefor to the legislative appropriations committees  
4372 and the Executive Office of the Governor:

4373 (c) The amount due to the Communications Working Capital  
4374 Trust Fund from moneys appropriated in the General  
4375 Appropriations Act for the purpose of paying for services  
4376 provided by the state communications system in the Agency for  
4377 Enterprise Information Technology ~~Department of Management~~  
4378 ~~Services~~ which is unpaid 45 days after the billing date. The  
4379 amount transferred shall be the amount ~~that~~ billed by the

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4380 department.

4381 Section 124. Section 217.02, Florida Statutes, is amended  
4382 to read:

4383 217.02 Definitions.—As used in this chapter act, the term:

4384 (1) "Department" means the Department of Financial  
4385 ~~Management~~ Services.

4386 (2) "Surplus property" means any federal property that  
4387 ~~which~~ has been declared excess by a federal agency, including  
4388 the Department of Defense, and made available for procurement  
4389 and distribution in the state in compliance with the Federal  
4390 Property and Administrative Services Act of 1949, and subsequent  
4391 amendments thereto, or any other federal law provided for the  
4392 procurement and distribution of federal excess and surplus  
4393 property.

4394 Section 125. Section 217.04, Florida Statutes, is amended  
4395 to read:

4396 217.04 Negotiation ~~Department of Management Services as~~  
4397 ~~state agency to negotiate~~ with federal agency.—The department of  
4398 ~~Management Services~~ is designated the official agency of the  
4399 state to negotiate with any federal agency in accordance and  
4400 compliance with the Federal Property and Administrative Services  
4401 Act of 1949 and subsequent amendments thereto, and any other  
4402 federal law or regulation providing for the procurement and  
4403 distribution of federal surplus personal property.

4404 Section 126. Section 217.045, Florida Statutes, is amended  
4405 to read:

4406 217.045 ~~Department of Management Services;~~ Assistance to  
4407 state agencies.—The department of ~~Management Services~~ may follow  
4408 whatever procedure is considered necessary to enable state

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4409 agencies to take advantage of surplus property allocated to the  
4410 state by the Federal Government or by its disposal agencies.

4411 Section 127. Subsections (2), (3), (11), and (13) of  
4412 section 238.01, Florida Statutes, are amended to read:

4413 238.01 Definitions.—The following words and phrases as used  
4414 in this chapter shall have the following meanings unless a  
4415 different meaning is plainly required by the context:

4416 (2) "Department" means the Department of Personnel  
4417 ~~Management~~ Services.

4418 (3) "Teacher" means any member of the teaching or  
4419 professional staff and any certificated employee of any public  
4420 free school, ~~of~~ any district school system and career center,  
4421 any member of the teaching or professional staff of the Florida  
4422 School for the Deaf and Blind, child training schools of the  
4423 Department of Juvenile Justice, the Department of Corrections,  
4424 and any tax-supported institution of higher learning of the  
4425 state, and any member and any certified employee of the  
4426 Department of Education, any certified employee of the  
4427 retirement system, any full-time employee of any nonprofit  
4428 professional association or corporation of teachers functioning  
4429 in Florida on a statewide basis, which seeks to protect and  
4430 improve public school opportunities for children and advance the  
4431 professional and welfare status of its members, any person now  
4432 serving as superintendent, or who was serving as county  
4433 superintendent of public instruction on July 1, 1939, and any  
4434 hereafter duly elected or appointed superintendent, who holds a  
4435 valid Florida teachers' certificate. In all cases of doubt the  
4436 department ~~of Management Services~~ shall determine whether a ~~any~~  
4437 person is a teacher as defined herein.

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4438 (11) "Regular interest" means interest at such rate as may  
4439 be set from time to time by the department ~~of Management~~  
4440 ~~Services~~.

4441 (13) "Earnable compensation" means the full compensation  
4442 payable to a teacher working the full working time for his or  
4443 her position. With ~~In~~ respect to plans A, B, C, and D only, if  
4444 the in-cases where compensation includes maintenance, the  
4445 department ~~of Management Services~~ shall fix the value of that  
4446 part of the compensation not paid in money if; ~~provided that~~ all  
4447 members as of ~~shall from~~ July 1, 1955, make contributions to the  
4448 retirement system on the basis of "earnable compensation," as  
4449 defined herein and all persons who are members on July 1, 1955,  
4450 may, upon application, have their "earnable compensation" for  
4451 the time during which they have been members prior to that date  
4452 determined on the basis of "earnable compensation" as defined in  
4453 this law, upon paying to the retirement system, on or before the  
4454 date of retirement, a sum equal to the additional contribution  
4455 with accumulated regular interest thereon they would have made  
4456 if "earnable compensation" had been defined, at the time they  
4457 became members, as it is now defined. However, earnable  
4458 compensation for all plan years beginning on or after July 1,  
4459 1990, may ~~shall~~ not include any amounts in excess of the  
4460 compensation limitation (originally \$200,000) established by s.  
4461 401(a)(17) of the Internal Revenue Code prior to the Omnibus  
4462 Budget Reconciliation Act of 1993, which limitation shall be  
4463 adjusted for changes in the cost of living since 1989, as ~~in the~~  
4464 ~~manner~~ provided by s. 401(a)(17) of the Internal Revenue Code of  
4465 1991. This limitation, which has been part of the Teachers'  
4466 Retirement System since plan years beginning on or after July 1,

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4467 1990, must ~~shall~~ be adjusted as required by federal law for  
4468 qualified government plans.

4469 Section 128. Section 238.02, Florida Statutes, is amended  
4470 to read:

4471 238.02 ~~Name and date of~~ Establishment.—A retirement system  
4472 is established and placed under the management of the department  
4473 ~~of Management Services~~ for the purpose of providing retirement  
4474 allowances and other benefits for teachers of the state. The  
4475 retirement system shall begin operations on July 1, 1939. It has  
4476 such powers and privileges of a corporation as ~~may be~~ necessary  
4477 to carry out ~~effectively~~ the provisions of this chapter and  
4478 shall be known as the "Teachers' Retirement System of the  
4479 State," and by such name all of its business shall be  
4480 transacted, all of its funds invested, and all of its cash and  
4481 securities and other property held in trust for the purpose for  
4482 which received.

4483 Section 129. Subsection (1) of section 238.03, Florida  
4484 Statutes, is amended to read:

4485 238.03 Administration.—

4486 (1) The general administration and the responsibility for  
4487 the proper operation of the retirement system and for making  
4488 effective the provisions of this chapter are vested in the  
4489 department ~~of Management Services~~. Subject to the limitation of  
4490 this chapter, the department shall, from time to time, adopt  
4491 ~~establish~~ rules and ~~regulations~~ for the administration and  
4492 transaction of the business of the retirement system and shall  
4493 perform such other functions as are required for the execution  
4494 of this chapter.

4495 Section 130. Subsection (3) of section 238.07, Florida

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4496 Statutes, is amended to read:

4497 238.07 Regular benefits; survivor benefits.—

4498 (3) Any member who, prior to July 1, 1955, elected to  
4499 retire under one of plans A, B, C, or D may elect, prior to  
4500 retirement, to retire under plan E in accordance with the terms  
4501 hereof. Any person who became a member on or after July 1, 1955,  
4502 shall retire under plan E, except as provided for under s.  
4503 238.31. With respect to plans A, B, C, or D, any member may  
4504 ~~shall have the right~~ at any time ~~to~~ change to a plan of  
4505 retirement requiring a lower rate of contribution. The  
4506 department ~~of Management Services~~ shall also notify the member  
4507 of the rate of contribution such member must make from and after  
4508 selecting such plan of retirement. Any member in service may  
4509 retire upon reaching the age of retirement formerly selected by  
4510 him or her, upon the member's written application to the  
4511 department setting forth at which time, not more than 90 days  
4512 after ~~subsequent to the execution and filing of~~ such  
4513 application, it is his or her desire to retire notwithstanding  
4514 that during such period ~~of notification~~ he or she may have  
4515 separated from service. Upon receipt of such application ~~for~~  
4516 ~~retirement~~, the department shall retire such member not more  
4517 than 90 days thereafter. Before such member may retire, he or  
4518 she must file with the department his or her written selection  
4519 of one of the optional benefits provided in s. 238.08.

4520 Section 131. Paragraph (a) of subsection (1) of section  
4521 238.09, Florida Statutes, is amended to read:

4522 238.09 Method of financing.—All of the assets of the  
4523 retirement system shall be credited, according to the purposes  
4524 for which they are held, to one of four funds; namely, the

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4525 Annuity Savings Trust Fund, the Pension Accumulation Trust Fund,  
4526 the Expense Trust Fund, and the Survivors' Benefit Trust Fund.

4527 (1) The Annuity Savings Trust Fund shall be a fund in which  
4528 shall be accumulated contributions made from the salaries of  
4529 members under the provisions of paragraph (c) or paragraph (f).  
4530 Contribution to, payments from, the Annuity Savings Trust Fund  
4531 shall be made as follows:

4532 (a) With respect to plan A, B, C, or D, upon the basis of  
4533 such tables as the department ~~of Management Services~~ shall  
4534 adopt, and regular interest, the actuary of the retirement  
4535 system shall determine for each member the proportion of  
4536 earnable compensation which, when deducted from each payment of  
4537 his or her prospective earnable annual compensation prior to his  
4538 or her minimum service retirement age, and accumulated at  
4539 regular interest until such age, shall be computed to provide at  
4540 such age:

4541 1. An annuity equal to one one-hundred-fortieth of the  
4542 member's ~~his or her~~ average final compensation multiplied by the  
4543 number of ~~his or her~~ years of membership in the case of each  
4544 member electing to retire under the provisions of plan A or B.

4545 2. An annuity equal to one one-hundred-twentieth of the  
4546 member's ~~his or her~~ average final compensation multiplied by the  
4547 number of ~~his or her~~ years of membership service in the case of  
4548 each member electing to retire under the provisions of plan C.

4549 3. An annuity equal to one one-hundredth of his or her  
4550 average final compensation multiplied by the number of the  
4551 members' ~~his or her~~ years of membership service in the case of  
4552 each member electing to retire under the provisions of plan D.

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4554 For each ~~In the case of any~~ member who ~~has~~ attained his or her  
4555 minimum service retirement age before ~~prior to~~ becoming a  
4556 member, the proportion of salary applicable to such member, with  
4557 respect to plan A, B, C, or D, shall be the proportion computed  
4558 for the age 1 year younger than his or her minimum service  
4559 retirement age.

4560 Section 132. Section 238.10, Florida Statutes, is amended  
4561 to read:

4562 238.10 Management of funds.—The department ~~of Management~~  
4563 ~~Services~~, annually, shall allow regular interest on the amount  
4564 for the preceding year to the credit of each of the funds of the  
4565 retirement system, and to the credit of the individual account  
4566 therein, if any, with the exception of the expense fund, from  
4567 the interest and dividends earned from investments.

4568 Section 133. Paragraph (b) of subsection (1) and  
4569 subsections (2) and (3) of section 238.11, Florida Statutes, are  
4570 amended to read:

4571 238.11 Collection of contributions.—

4572 (1) The collection of contributions shall be as follows:

4573 (b) Each employer shall transmit monthly to the department  
4574 ~~of Management Services~~ a warrant for the total amount of ~~such~~  
4575 deductions. Each employer shall also transmit monthly to the  
4576 department a warrant for ~~such~~ employer contribution set aside as  
4577 provided ~~for~~ in paragraph (a) ~~of this subsection~~. The  
4578 department, after making records of all such warrants, shall  
4579 transmit them to the Department of Financial Services for  
4580 delivery to the Chief Financial Officer, who shall collect them.

4581 (2) The collection of the state contribution shall be made  
4582 as follows:

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4583 (a) The amounts required to be paid by the state into the  
4584 Teachers' Retirement System under ~~in~~ this chapter shall be  
4585 provided ~~therefor~~ in the General Appropriations Act. However, if  
4586 ~~in the event~~ a sufficient amount is not included in the General  
4587 Appropriations Act to meet the full amount needed to pay the  
4588 retirement compensation provided for in this chapter, the  
4589 additional amount needed for such retirement compensation is  
4590 ~~hereby~~ appropriated from the General Revenue Fund as approved by  
4591 the department ~~of Management Services~~.

4592 (b) The department ~~of Management Services~~ shall certify  
4593 one-fourth of the amount so ascertained for each year to the  
4594 Chief Financial Officer on or before the last day of July,  
4595 October, January, and April of each year. The Chief Financial  
4596 Officer shall, on or before the first day of August, November,  
4597 February, and May of each year, immediately transfer the amounts  
4598 due to the several funds of the retirement system ~~the amounts~~  
4599 ~~due~~.

4600 (3) All collection of contributions of a nonprofit  
4601 professional association or corporation of teachers as referred  
4602 to in s. 238.01(3) and (5) shall be made by such association or  
4603 corporation in the following manner:

4604 (a) On April 1 of each year, the department ~~of Management~~  
4605 ~~Services~~ shall certify to ~~any~~ such nonprofit professional  
4606 association or corporation of teachers the amounts that ~~which~~  
4607 will become due and payable during the ensuing fiscal year to  
4608 each of the funds of the retirement system to which such  
4609 contributions are payable as set forth in this section ~~law~~.

4610 (b) The department ~~of Management Services~~ shall certify  
4611 one-fourth of the amount so ascertained for each year to the

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4612 nonprofit professional association or corporation of teachers on  
4613 or before the last day of July, October, January, and April of  
4614 each year. The nonprofit professional association or corporation  
4615 of teachers shall, on or before the first day of August,  
4616 November, February, and May of each year, draw its check payable  
4617 to the department for the respective amounts due the several  
4618 funds of the retirement system. Upon receipt of the check, the  
4619 department shall immediately transfer the amounts due to the  
4620 several funds of the retirement system ~~the amounts due,~~  
4621 provided, however, that the amounts due the several funds of the  
4622 retirement system from any such association or corporation for  
4623 creditable service accruing to any such member before July 1,  
4624 1947, shall be paid prior to the retirement of any such member.

4625 Section 134. Subsection (1) of section 238.12, Florida  
4626 Statutes, is amended to read:

4627 238.12 Duties of employers.—

4628 (1) Each employer shall keep such records and, from time to  
4629 time, shall furnish such information as the department ~~of~~  
4630 ~~Management Services~~ may require in the discharge of its duties.  
4631 Upon the employment of any teacher to whom this chapter may  
4632 apply, the teacher shall be informed by his or her employer of  
4633 his or her duties and obligations in connection with the  
4634 retirement system as a condition of his or her employment. Every  
4635 teacher accepting employment shall be deemed to consent and  
4636 agree to any deductions from his or her compensation required in  
4637 this chapter and to all other provisions of this chapter.

4638 Section 135. Section 238.15, Florida Statutes, is amended  
4639 to read:

4640 238.15 Exemption of funds from taxation, execution, and

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4641 assignment.—The pensions, annuities or any other benefits  
4642 accrued or accruing to any person under ~~the provisions of this~~  
4643 chapter and the accumulated contributions and cash securities in  
4644 the funds created under this chapter are exempted from any  
4645 state, county or municipal tax of the state, and are ~~shall~~ not  
4646 ~~be~~ subject to execution or attachment or to any legal process  
4647 whatsoever, and shall be unassignable, except:

4648 (1) That any teacher who has retired may ~~shall have the~~  
4649 ~~right and power to~~ authorize the department in writing ~~the~~  
4650 ~~department of Management Services~~ to deduct from his or her  
4651 monthly retirement allowance money for the payment of the  
4652 premiums on group insurance for hospital, medical and surgical  
4653 benefits, under a plan or plans for such benefits approved in  
4654 writing by the Chief Financial Officer, and upon receipt of such  
4655 request the department shall make the monthly payments as  
4656 directed; and

4657 (2) As may be otherwise specifically provided for in this  
4658 chapter.

4659 Section 136. Paragraph (b) of subsection (3) of section  
4660 238.171, Florida Statutes, is amended to read:

4661 238.171 Monthly allowance; when made.—

4662 (3)

4663 (b) On July 1, 1975, and each July 1 thereafter, the  
4664 department ~~of Management Services~~ shall adjust the monthly  
4665 allowance being paid on that ~~said~~ date. The percentage of such  
4666 adjustment is ~~shall be~~ equal to the percentage change in the  
4667 average cost-of-living index during the preceding 12-month  
4668 period, April 1 through March 31, ignoring changes in the cost-  
4669 of-living index which are greater than 3 percent during the

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4670 preceding fiscal year.

4671 Section 137. Paragraph (b) of subsection (2) of section  
4672 238.181, Florida Statutes, is amended to read:

4673 238.181 Reemployment after retirement; conditions and  
4674 limitations.—

4675 (2)

4676 (b) Any person to whom the limitation in paragraph (a)  
4677 applies who violates such reemployment limitation and who is  
4678 reemployed with any agency participating in the Florida  
4679 Retirement System before completing ~~completion of~~ the 12-month  
4680 limitation period must ~~shall~~ give timely notice of this fact in  
4681 writing to his or her employer and to the department ~~of~~  
4682 ~~Management Services~~ and shall have his or her retirement  
4683 benefits suspended for the balance of the 12-month limitation  
4684 period. Any person employed in violation of this paragraph and  
4685 any employing agency that ~~which~~ knowingly employs or appoints  
4686 such person without notifying the department to suspend  
4687 retirement benefits are ~~shall be~~ jointly and severally liable  
4688 for reimbursement ~~to the retirement trust fund~~ of any benefits  
4689 paid during the reemployment limitation period. To avoid  
4690 liability, the ~~such~~ employing agency shall have a written  
4691 statement from the retiree that he or she is not retired from a  
4692 state-administered retirement system. Any retirement benefits  
4693 received must ~~while reemployed during this reemployment~~  
4694 ~~limitation period shall~~ be repaid to the retirement trust fund,  
4695 and retirement benefits ~~shall~~ remain suspended until such  
4696 repayment has been made. Benefits suspended beyond the  
4697 reemployment limitation ~~shall~~ apply toward repayment of benefits  
4698 received in violation of the reemployment limitation.

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4699 Section 138. Section 238.32, Florida Statutes, is amended  
4700 to read:

4701 238.32 Service credit in disputed cases.—The department of  
4702 ~~Management Services~~ may ~~in its discretion~~ allow or deny a member  
4703 service credit in disputed or doubtful cases for employment in  
4704 in this state Florida and in out-of-state schools in order to  
4705 serve the best interests of the state and the member, subject to  
4706 the membership dates set forth in s. 238.06(4).

4707 Section 139. Subsection (6) of section 250.22, Florida  
4708 Statutes, is amended to read:

4709 250.22 Retirement.—

4710 (6) All powers, duties, and functions related to the  
4711 administration of this section are vested in the Department of  
4712 Personnel Management Services.

4713 Section 140. Subsection (4) of section 252.385, Florida  
4714 Statutes, is amended to read:

4715 252.385 Public shelter space.—

4716 (4) ~~(a)~~ Public facilities, including schools, postsecondary  
4717 education facilities, and other facilities owned or leased by  
4718 the state or local governments, but excluding hospitals, hospice  
4719 care facilities, assisted living facilities, and nursing homes,  
4720 which are suitable for use as public hurricane evacuation  
4721 shelters shall be made available at the request of the local  
4722 emergency management agencies. The local emergency management  
4723 agency shall coordinate with these entities to ensure that  
4724 designated facilities are ready to activate before ~~prior to~~ a  
4725 specific hurricane or disaster. Such agencies shall coordinate  
4726 with the appropriate school board, university, community  
4727 college, state agency, or local governing board when requesting

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4728 the use of such facilities as public hurricane evacuation  
4729 shelters.

4730 ~~(b)~~ The Department of Environmental Protection ~~Management~~  
4731 ~~Services~~ shall:

4732 (a) Incorporate provisions for the use of suitable leased  
4733 public facilities as public hurricane evacuation shelters into  
4734 lease agreements for state agencies. Suitable leased public  
4735 facilities include leased public facilities that are solely  
4736 occupied by state agencies and have at least 2,000 square feet  
4737 of net floor area in a single room or in a combination of rooms  
4738 having a minimum of 400 square feet in each room. The net square  
4739 footage of floor area shall be determined by subtracting from  
4740 the gross square footage the square footage of spaces such as  
4741 mechanical and electrical rooms, storage rooms, open corridors,  
4742 restrooms, kitchens, science or computer laboratories, shop or  
4743 mechanical areas, administrative offices, records vaults, and  
4744 crawl spaces.

4745 ~~(b)~~ ~~(c)~~ ~~The Department of Management Services shall,~~ In  
4746 consultation with local and state emergency management agencies,  
4747 assess department ~~of Management Services~~ facilities to identify  
4748 the extent to which each facility has public hurricane  
4749 evacuation shelter space. The department ~~of Management Services~~  
4750 shall submit proposed facility retrofit projects that  
4751 incorporate hurricane protection enhancements to the department  
4752 for assessment and inclusion in the annual report prepared in  
4753 accordance with subsection (3).

4754 (c) ~~(d)~~ ~~The Department of Management Services shall~~ Include  
4755 in the annual state facilities inventory report required under  
4756 ss. 216.015-216.016 a separate list of state-owned facilities,

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4757 including, but not limited to, meeting halls, auditoriums,  
4758 conference centers, and training centers that have unoccupied  
4759 space suitable for use as an emergency shelter during a storm or  
4760 other catastrophic event. Facilities must be listed by the  
4761 county and municipality where the facility is located and must  
4762 be made available in accordance with this subsection ~~paragraph~~  
4763 ~~(a)~~. As used in this paragraph, the term "suitable for use as an  
4764 emergency shelter" means meeting the standards set by the  
4765 American Red Cross for a hurricane evacuation shelter, and the  
4766 term "unoccupied" means vacant due to suspended operation or  
4767 nonuse. The list must be updated by May 31 of each year.

4768 Section 141. Paragraph (b) of subsection (6) of section  
4769 253.034, Florida Statutes, is amended to read:

4770 253.034 State-owned lands; uses.—

4771 (6) The Board of Trustees of the Internal Improvement Trust  
4772 Fund shall determine which lands, the title to which is vested  
4773 in the board, may be surplus. For conservation lands, the  
4774 board shall make a determination that the lands are no longer  
4775 needed for conservation purposes and may dispose of them by an  
4776 affirmative vote of at least three members. In the case of a  
4777 land exchange involving the disposition of conservation lands,  
4778 the board must determine by an affirmative vote of at least  
4779 three members that the exchange will result in a net positive  
4780 conservation benefit. For all other lands, the board shall make  
4781 a determination that the lands are no longer needed and may  
4782 dispose of them by an affirmative vote of at least three  
4783 members.

4784 (b) For ~~any~~ lands purchased by the state on or after July  
4785 1, 1999, a determination shall be made by the board before ~~prior~~

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4786 ~~to~~ acquisition as to those parcels that shall be designated as  
4787 having been acquired for conservation purposes. ~~No~~ Lands  
4788 acquired for use by the Department of Corrections, the  
4789 Department of Environmental Protection ~~Management Services~~ for  
4790 use as state offices, the Department of Transportation, except  
4791 those specifically managed for conservation or recreation  
4792 purposes, or the State University System or the Florida  
4793 Community College System may not ~~shall be~~ designated as having  
4794 been purchased for conservation purposes.

4795 Section 142. Subsection (2) of section 253.126, Florida  
4796 Statutes, is amended to read:

4797 253.126 Legislative intent.—The limitations and  
4798 restrictions imposed by this chapter as amended by chapter 67-  
4799 393, Laws of Florida, upon the construction of islands or the  
4800 extension or addition to existing lands or islands bordering on  
4801 or being in the navigable waters, as defined in s. 253.12, shall  
4802 apply to the state, its agencies and all political subdivisions  
4803 and governmental units. No other general or special act shall  
4804 operate to grant exceptions to this section unless this section  
4805 is specifically repealed thereby.

4806 (2) The provisions of chapter 120 shall be accorded any  
4807 person where substantial interests will be affected by an  
4808 activity proposed to be conducted by such agency pursuant to its  
4809 certification and the department's acceptance. If a proceeding  
4810 is conducted pursuant to ss. 120.569 and 120.57, the department  
4811 may intervene as a party. Should an administrative law judge of  
4812 the Division of Administrative Hearings ~~of the Department of~~  
4813 ~~Management Services~~ submit a recommended order ~~pursuant to ss.~~  
4814 ~~120.569 and 120.57~~, the Department of Environmental Protection

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4815 shall issue a final department order adopting, rejecting, or  
4816 modifying the recommended order pursuant to such action.

4817 Section 143. Subsection (1) of section 253.45, Florida  
4818 Statutes, is amended to read:

4819 253.45 Sale or lease of phosphate, clay, minerals, etc., in  
4820 or under state lands.—

4821 (1) The Board of Trustees of the Internal Improvement Trust  
4822 Fund may sell or lease any phosphate, earth or clay, sand,  
4823 gravel, shell, mineral, metal, timber or water, or any other  
4824 substance similar to the foregoing, in, on, or under, any land  
4825 the title to which is vested in the state, ~~the Department of~~  
4826 ~~Management Services,~~ the Department of Environmental Protection,  
4827 the Fish and Wildlife Conservation Commission, the State Board  
4828 of Education, or any other state board, department, or agency;  
4829 provided that the board of trustees does ~~may~~ not grant such a  
4830 sale or lease on the land of any other state board, department,  
4831 or agency without first obtaining approval therefrom. Such ~~No~~  
4832 sale or lease is not ~~provided for in this section shall be~~  
4833 allowed on hard-surfaced beaches that are used for bathing or  
4834 driving and areas contiguous thereto out to a mean low-water  
4835 depth of 3 feet and landward to the nearest paved public road.  
4836 Any sale or lease provided for in this section shall be  
4837 conducted by competitive bidding as provided for in ss. 253.52,  
4838 253.53, and 253.54. The proceeds of such sales or leases are to  
4839 be credited to the board of trustees, board, department, or  
4840 agency that ~~which~~ has title or control of the land involved.

4841 Section 144. Section 255.02, Florida Statutes, is amended  
4842 to read:

4843 255.02 Boards authorized to replace buildings destroyed by

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4844 fire.—The Department of Environmental Protection Management  
4845 ~~Services~~ or any board or person having the direct supervision  
4846 and control of any state building or state property may rebuild  
4847 or replace ~~have rebuilt or replaced~~, out of the proceeds from  
4848 the fire insurance on such buildings or property, any buildings  
4849 or property owned by the state, which is ~~may be~~ destroyed in  
4850 whole or in part by fire.

4851 Section 145. Subsection (2) of section 255.043, Florida  
4852 Statutes, is amended to read:

4853 255.043 Art in state buildings.—

4854 (2) The Department of Environmental Protection Management  
4855 ~~Services~~ or other state agency ~~agencies~~ receiving appropriations  
4856 for original constructions shall notify the Florida Arts Council  
4857 and the user agency of any construction project that ~~which~~ is  
4858 eligible under ~~the provisions of~~ this section. The department of  
4859 ~~Management Services~~ or other state agency shall determine the  
4860 amount to be made available for purchase or commission of works  
4861 of art for each project and shall report these amounts to the  
4862 Florida Arts Council and the user agency. Payments ~~therefor~~  
4863 shall be made from funds appropriated for fixed capital outlay  
4864 according to law.

4865 Section 146. Paragraphs (a) and (b) of subsection (1) of  
4866 section 255.05, Florida Statutes, are amended to read:

4867 255.05 Bond of contractor constructing public buildings;  
4868 form; action by materialmen.—

4869 (1) (a) Any person entering into a formal contract with the  
4870 state or any county, municipality ~~city~~, or political subdivision  
4871 thereof, or other public authority or private entity, for the  
4872 construction of a public building, for the prosecution and

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4873 completion of a public work, or for repairs upon a public  
4874 building or public work must ~~shall be required~~, before  
4875 commencing the work or before recommencing the work after a  
4876 default or abandonment, ~~to~~ execute, deliver to the public owner,  
4877 and record in the public records of the county where the  
4878 improvement is located, a payment and performance bond with a  
4879 surety insurer authorized to do business in this state as  
4880 surety. A public entity may not require a contractor to secure a  
4881 surety bond under this section from a specific agent or bonding  
4882 company. The bond must state on its front page: the name,  
4883 principal business address, and phone number of the contractor,  
4884 the surety, the owner of the property being improved, and, if  
4885 different from the owner, the contracting public entity; the  
4886 contract number assigned by the contracting public entity; and a  
4887 description of the project sufficient to identify it, such as a  
4888 legal description or the street address of the property being  
4889 improved, and a general description of the improvement. Such  
4890 bond must ~~shall~~ be conditioned upon the contractor's performance  
4891 of the construction work in the time and manner prescribed in  
4892 the contract and promptly making payments to all persons defined  
4893 in s. 713.01 who furnish labor, services, or materials for the  
4894 prosecution of the work provided for in the contract. Any  
4895 claimant may apply to the governmental entity having charge of  
4896 the work for copies of the contract and bond and shall ~~thereupon~~  
4897 be furnished with a certified copy of the contract and bond. The  
4898 claimant shall have a right of action against the contractor and  
4899 surety for the amount due him or her, including unpaid finance  
4900 charges due under the claimant's contract. Such action may ~~shall~~  
4901 not involve the public authority in any expense. If ~~When~~ such

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4902 work is done for the state and the contract is for \$100,000 or  
4903 less, a ~~no~~ payment and performance bond is not ~~shall be~~  
4904 required. At the discretion of the official or board awarding  
4905 such contract when such work is done for any county,  
4906 municipality ~~city~~, political subdivision, or public authority,  
4907 any person entering into ~~such~~ a contract ~~which is~~ for \$200,000  
4908 or less may be exempted from executing the payment and  
4909 performance bond. If ~~When~~ such work is done for the state, the  
4910 Secretary of Environmental Protection Management Services ~~Services~~ may  
4911 delegate to state agencies the authority to exempt any person  
4912 entering into such a contract amounting to more than \$100,000  
4913 but less than \$200,000 from executing the payment and  
4914 performance bond. If ~~In the event~~ such exemption is granted, the  
4915 officer or officials may ~~shall~~ not be held personally liable to  
4916 persons suffering loss because of granting such exemption. The  
4917 Department of Environmental Protection Management Services ~~Services~~ shall  
4918 maintain information on the number of requests by state agencies  
4919 for delegation of authority to waive the bond requirements by  
4920 agency and project number and whether any request for delegation  
4921 was denied and the justification for the denial. Any provision  
4922 in a payment bond furnished for public work contracts ~~as~~  
4923 ~~provided by this subsection~~ which restricts the classes of  
4924 persons as defined in s. 713.01 protected by the bond or the  
4925 venue of any proceeding relating to such bond is unenforceable.

4926 (b) The Department of Environmental Protection Management  
4927 ~~Services~~ shall adopt rules with respect to all contracts for  
4928 \$200,000 or less, to provide:

4929 1. Procedures for retaining up to 10 percent of each  
4930 request for payment submitted by a contractor and procedures for

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4931 determining disbursements from the amount retained on a pro rata  
4932 basis to laborers, materialmen, and subcontractors, as defined  
4933 in s. 713.01.

4934 2. Procedures for requiring certification from laborers,  
4935 materialmen, and subcontractors, as defined in s. 713.01, prior  
4936 to final payment to the contractor that such laborers,  
4937 materialmen, and subcontractors have no claims against the  
4938 contractor resulting from the completion of the work provided  
4939 for in the contract.

4940  
4941 The state shall not be held liable to any laborer, materialman,  
4942 or subcontractor for any amounts greater than the pro rata share  
4943 as determined under this section.

4944 Section 147. Subsection (1) of section 255.0525, Florida  
4945 Statutes, is amended to read:

4946 255.0525 Advertising for competitive bids or proposals.—

4947 (1) The solicitation of competitive bids or proposals for  
4948 any state construction project that is projected to cost more  
4949 than \$200,000 must ~~shall~~ be publicly advertised once in the  
4950 Florida Administrative Weekly at least 21 days before ~~prior to~~  
4951 the established bid opening. For state construction projects  
4952 that are projected to cost more than \$500,000, the advertisement  
4953 must ~~shall~~ be published in the Florida Administrative Weekly at  
4954 least 30 days before ~~prior to~~ the established bid opening and at  
4955 least once in a newspaper of general circulation in the county  
4956 where the project is located at least 30 days before ~~prior to~~  
4957 the established bid opening and at least 5 days before ~~a prior~~  
4958 ~~to any~~ scheduled prebid conference. The bids or proposals must  
4959 ~~shall~~ be received and opened publicly at the location, date, and

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4960 time established in the bid or proposal advertisement. In cases  
4961 of emergency, the Secretary of Environmental Protection  
4962 ~~Management Services~~ may alter these ~~the~~ procedures ~~required in~~  
4963 ~~this section~~ in any manner that is reasonable under the  
4964 emergency circumstances.

4965 Section 148. Subsection (3) of section 255.248, Florida  
4966 Statutes, is amended to read:

4967 255.248 Definitions; ss. 255.249 and 255.25.—As used in ss.  
4968 255.249 and 255.25, the term:

4969 (3) "Department" means the Department of Environmental  
4970 Protection Management Services.

4971 Section 149. Section 255.249, Florida Statutes, is amended  
4972 to read:

4973 255.249 Department responsibilities ~~of Management Services;~~  
4974 ~~responsibility; department~~ rules.—

4975 (1) The department shall have responsibility and authority  
4976 for the custodial and preventive maintenance, repair, and  
4977 allocation of space of all buildings in the Florida Facilities  
4978 Pool and the grounds located adjacent thereto.

4979 (2) The department shall require any state agency planning  
4980 to terminate a lease for the purpose of occupying space in a new  
4981 state-owned office building, ~~the funds for which are~~  
4982 ~~appropriated after June 30, 2000,~~ to state why the proposed  
4983 relocation is in the best interest of the state.

4984 (3) (a) The department shall, to the extent feasible,  
4985 coordinate the vacation of privately owned leased space with the  
4986 expiration of the lease on that space and, if ~~when~~ a lease is  
4987 terminated before expiration of its base term, shall ~~will~~ make a  
4988 reasonable effort to place another state agency in the space

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4989 vacated. Any state agency may lease the space in any building  
4990 that was subject to a lease terminated by a state agency for a  
4991 period of time equal to the remainder of the base term without  
4992 ~~the requirement of~~ competitive solicitation.

4993 (b) The department shall develop and implement a strategic  
4994 leasing plan. The ~~strategic leasing~~ plan must ~~shall~~ forecast  
4995 space needs for all state agencies and identify opportunities  
4996 for reducing costs through consolidation, relocation,  
4997 reconfiguration, capital investment, and the building or  
4998 acquisition of state-owned space.

4999 (c) The department shall annually publish a master leasing  
5000 report. The department shall furnish the ~~master leasing~~ report  
5001 to the Executive Office of the Governor and the Legislature by  
5002 September 15 of each year which provides the following  
5003 information:

5004 1. A list, by agency and by geographic market, of all  
5005 leases that are due to expire within 24 months.

5006 2. Details of each lease, including location, size, cost  
5007 per leased square foot, lease-expiration date, and a  
5008 determination of whether sufficient state-owned office space  
5009 will be available at the expiration of the lease to accommodate  
5010 affected employees.

5011 3. A list of amendments and supplements to and waivers of  
5012 terms and conditions in lease agreements that have been approved  
5013 pursuant to s. 255.25(2) (a) during the previous 12 months and an  
5014 associated comprehensive analysis, including financial  
5015 implications, showing that any amendment, supplement, or waiver  
5016 is in the state's long-term best interest.

5017 4. Financial impacts to the pool rental rate due to the

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5018 sale, removal, acquisition, or construction of pool facilities.

5019 5. Changes in occupancy rate, maintenance costs, and  
5020 efficiency costs of leases in the state portfolio. Changes to  
5021 occupancy costs in leased space by market and changes to space  
5022 consumption by agency and by market.

5023 6. An analysis of portfolio supply and demand.

5024 7. Cost-benefit analyses of acquisition, build, and  
5025 consolidation opportunities, recommendations for strategic  
5026 consolidation, and strategic recommendations for disposition,  
5027 acquisition, and building.

5028 8. The updated plan required by s. 255.25(4)(c).

5029 (d) By June 30 of each year, each state agency shall  
5030 annually provide to the department all information regarding  
5031 agency programs affecting the need for or use of space by that  
5032 agency, reviews of lease-expiration schedules for each  
5033 geographic area, active and planned full-time equivalent data,  
5034 business case analyses related to consolidation plans by an  
5035 agency, a telecommuting program, and current occupancy and  
5036 relocation costs, inclusive of furnishings, fixtures and  
5037 equipment, data, and communications.

5038 (4) The department shall adopt rules ~~pursuant to chapter~~  
5039 ~~120~~ providing:

5040 (a) Methods for accomplishing the duties outlined in  
5041 subsection (1).

5042 (b) Procedures for soliciting and accepting competitive  
5043 solicitations for leased space of 5,000 square feet or more in  
5044 privately owned buildings, for evaluating the proposals  
5045 received, for exemption from competitive solicitations  
5046 requirements of any lease the purpose of which is the provision

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5047 of care and living space for persons or emergency space needs as  
5048 provided in s. 255.25(10), and for the securing of at least  
5049 three documented quotes for a lease that is not required to be  
5050 competitively solicited.

5051 (c) A standard method for determining square footage or any  
5052 other measurement used as the basis for lease payments or other  
5053 charges.

5054 (d) Methods of allocating space in both state-owned office  
5055 buildings and privately owned buildings leased by the state  
5056 based on use, personnel, and office equipment.

5057 (e)~~1.~~ Acceptable terms and conditions for inclusion in  
5058 lease agreements.

5059 ~~2.~~ Such terms and conditions must ~~shall~~ include, at a  
5060 minimum, the following clauses, which may not be amended,  
5061 supplemented, or waived:

5062 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's  
5063 performance and obligation to pay under this contract is  
5064 contingent upon an annual appropriation by the Legislature."

5065 ~~2.b.~~ "The Lessee shall have the right to terminate, without  
5066 penalty, this lease in the event a State-owned building becomes  
5067 available to the Lessee for occupancy upon giving 6 months'  
5068 advance written notice to the Lessor by Certified Mail, Return  
5069 Receipt Requested."

5070 (f) Maximum rental rates, by geographic areas or by county,  
5071 for leasing privately owned space.

5072 (g) A standard method for the assessment of rent to state  
5073 agencies and other authorized occupants of state-owned office  
5074 space, notwithstanding the source of funds.

5075 (h) For full disclosure of the names and the extent of

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5076 interest of the owners holding a 4-percent or more interest in  
5077 any privately owned property leased to the state or in the  
5078 entity holding title to the property, for exemption from such  
5079 disclosure of any beneficial interest which is represented by  
5080 stock in any corporation registered with the Securities and  
5081 Exchange Commission or registered pursuant to chapter 517, which  
5082 stock is for sale to the general public, and for exemption from  
5083 such disclosure of any leasehold interest in property located  
5084 outside the territorial boundaries of the United States.

5085 (i) For full disclosure of the names of all public  
5086 officials, agents, or employees holding any interest in any  
5087 privately owned property leased to the state or in the entity  
5088 holding title to the property, and the nature and extent of  
5089 their interest;7 for exemption from such disclosure of any  
5090 beneficial interest which is represented by stock in any  
5091 corporation registered with the Securities and Exchange  
5092 Commission or registered pursuant to chapter 517, which stock is  
5093 for sale to the general public;7 and for exemption from such  
5094 disclosure of any leasehold interest in property located outside  
5095 the territorial boundaries of the United States.

5096 (j) A method for reporting leases for nominal or no  
5097 consideration.

5098 (k) For a lease of less than 5,000 square feet, a method  
5099 for certification by the agency head or the agency head's  
5100 designated representative that all criteria for leasing have  
5101 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such  
5102 lease and all supporting documents with the department for its  
5103 review and approval as to technical sufficiency and whether it  
5104 is in the best interests of the state.

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5105 (1) A standardized format for state agency reporting of the  
5106 information required by paragraph (3)(d).

5107 (5) The department shall prepare a form listing all  
5108 conditions and requirements adopted pursuant to this chapter  
5109 which must be met by any state agency leasing any building or  
5110 part thereof. Before executing any lease, this form must ~~shall~~  
5111 be certified by the agency head or a designee ~~the agency head's~~  
5112 ~~designated representative~~ and submitted to the department.

5113 (6) The department may contract for real estate consulting  
5114 or tenant brokerage services in order to carry out its duties  
5115 relating to the strategic leasing plan. The contract must ~~shall~~  
5116 be procured pursuant to s. 287.057. The vendor that is awarded  
5117 the contract shall be compensated by the department, subject to  
5118 the provisions of the contract, and such compensation is subject  
5119 to appropriation by the Legislature. The real estate consultant  
5120 or tenant broker may not receive compensation directly from a  
5121 lessor for services that are rendered pursuant to the contract.  
5122 Moneys paid to the real estate consultant or tenant broker are  
5123 exempt from any charge imposed under s. 287.1345. Moneys paid by  
5124 a lessor to the department under a facility-leasing arrangement  
5125 are not subject to the charges imposed under s. 215.20.

5126 Section 150. Paragraphs (a) and (d) of subsection (2),  
5127 paragraphs (b) and (h) of subsection (3), paragraph (c) of  
5128 subsection (4), and subsections (5), (6), and (10) of section  
5129 255.25, Florida Statutes, are amended to read:

5130 255.25 Approval required prior to construction or lease of  
5131 buildings.—

5132 (2)(a) Except as provided in s. 255.2501, a state agency  
5133 may not lease a building or any part thereof unless prior

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5134 approval of the lease conditions and of the need for the lease  
5135 ~~therefor~~ is first obtained from the department. An ~~Any~~ approved  
5136 lease may include an option to purchase or an option to renew  
5137 the lease, or both, upon such terms and conditions as are  
5138 established by the department subject to final approval by the  
5139 head of the department ~~of Management Services~~ and s. 255.2502.

5140 (d) Notwithstanding paragraph (a) and except as provided in  
5141 ss. 255.249 and 255.2501, a state agency may not lease a  
5142 building or any part thereof unless prior approval of the lease  
5143 terms and conditions and of the need therefor is first obtained  
5144 from the department. The department may not approve any term or  
5145 condition in a lease agreement which has been amended,  
5146 supplemented, or waived unless a comprehensive analysis,  
5147 including financial implications, demonstrates that such  
5148 amendment, supplement, or waiver is in the state's long-term  
5149 best interest. Any approved lease may include an option to  
5150 purchase or an option to renew the lease, or both, upon such  
5151 terms and conditions as are established by the department  
5152 subject to final approval by the head of the department ~~of~~  
5153 ~~Management Services~~ and ~~the provisions of~~ s. 255.2502.

5154 (3)

5155 (b) The department may ~~of Management Services~~ ~~shall have~~  
5156 ~~the authority to~~ approve a lease for 5,000 square feet or more  
5157 of space that covers more than 1 fiscal year, subject to ~~the~~  
5158 ~~provisions of~~ ss. 216.311, 255.2501, 255.2502, and 255.2503, if  
5159 such lease is, in the judgment of the department, in the best  
5160 interests of the state. In determining best interest, the  
5161 department shall consider availability of state-owned space and  
5162 analyses of build-to-suit and acquisition opportunities. This

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5163 paragraph does not apply to buildings or facilities of any size  
5164 leased for the purpose of providing care and living space for  
5165 persons.

5166 (h) The department ~~of Management Services~~ may, pursuant to  
5167 s. 287.042(2)(a), procure a term contract for real estate  
5168 consulting and brokerage services. A state agency may not  
5169 purchase services from the contract unless the contract has been  
5170 procured under s. 287.057(1), (2), or (3) after March 1, 2007,  
5171 and contains the following provisions or requirements:

5172 1. Awarded brokers must maintain an office or presence in  
5173 the market served. In awarding the contract, preference must be  
5174 given to brokers that are licensed ~~in this state~~ under chapter  
5175 475 and that have 3 or more years of experience in the market  
5176 served. The contract may be made with up to three tenant brokers  
5177 in order to serve the marketplace in the north, central, and  
5178 south areas of the state.

5179 2. Each contracted tenant broker shall work under the  
5180 direction, supervision, and authority of the state agency,  
5181 subject to the rules governing lease procurements.

5182 3. The department shall provide training for the awarded  
5183 tenant brokers concerning the rules governing the procurement of  
5184 leases.

5185 4. Tenant brokers must comply with all applicable  
5186 provisions of s. 475.278.

5187 5. Real estate consultants and tenant brokers shall be  
5188 compensated by the state agency, subject to the provisions of  
5189 the term contract, and such compensation is subject to  
5190 appropriation by the Legislature. A real estate consultant or  
5191 tenant broker may not receive compensation directly from a

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5192 lessor for services that are rendered under the term contract.  
5193 Moneys paid to a real estate consultant or tenant broker are  
5194 exempt from any charge imposed under s. 287.1345. Moneys paid by  
5195 a lessor to the state agency under a facility leasing  
5196 arrangement are not subject to the charges imposed under s.  
5197 215.20. All terms relating to the compensation of the real  
5198 estate consultant or tenant broker must ~~shall~~ be specified in  
5199 the term contract and may not be supplemented or modified by the  
5200 state agency using the contract.

5201 6. The department shall conduct periodic customer-  
5202 satisfaction surveys.

5203 7. Each state agency shall report the following information  
5204 to the department:

5205 a. The number of leases that adhere to the goal of the  
5206 workspace-management initiative of 180 square feet per FTE.

5207 b. The quality of space leased and the adequacy of tenant-  
5208 improvement funds.

5209 c. The timeliness of lease procurement, measured from the  
5210 date of the agency's request to the finalization of the lease.

5211 d. Whether cost-benefit analyses were performed before  
5212 execution of the lease in order to ensure that the lease is in  
5213 the best interest of the state.

5214 e. The lease costs compared to market rates for similar  
5215 types and classifications of space according to the official  
5216 classifications of the Building Owners and Managers Association.

5217 (4)

5218 (c) Because the state has a substantial financial  
5219 investment in state-owned buildings, it is legislative policy  
5220 and intent that when state-owned buildings meet the needs of

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5221 state agencies, agencies must fully use such buildings before  
5222 leasing privately owned buildings. ~~By September 15, 2006,~~ The  
5223 department ~~of Management Services~~ shall create a 5-year plan for  
5224 implementing this policy. The department shall update this plan  
5225 annually, detailing proposed departmental actions to meet the  
5226 plan's goals, and shall furnish this plan annually as part of  
5227 the master leasing report.

5228 (5) Before construction or renovation of any state-owned  
5229 building or state-leased space is commenced, the department ~~of~~  
5230 ~~Management Services~~ shall ascertain, by submission of proposed  
5231 plans to the Division of State Fire Marshal for review, that the  
5232 proposed construction or renovation plan complies with the  
5233 uniform firesafety standards required by the division ~~of State~~  
5234 ~~Fire Marshal~~. The review of construction or renovation plans for  
5235 state-leased space must ~~shall~~ be completed within 10 calendar  
5236 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~  
5237 ~~Marshal~~. The review of construction or renovation plans for a  
5238 state-owned building must ~~shall~~ be completed within 30 calendar  
5239 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~  
5240 ~~Marshal~~. The responsibility for submission and retrieval of the  
5241 plans called for in this subsection may ~~shall~~ not be imposed on  
5242 the design architect or engineer, but shall be the  
5243 responsibility of the two agencies. If ~~Whenever~~ the division ~~of~~  
5244 ~~State Fire Marshal~~ determines that a construction or renovation  
5245 plan is not in compliance with such uniform firesafety  
5246 standards, the division ~~of State Fire Marshal~~ may issue an order  
5247 to cease all construction or renovation activities until  
5248 compliance is obtained, except those activities required to  
5249 achieve such compliance. The department ~~of Management Services~~

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5250 shall withhold approval of any proposed lease until the  
5251 construction or renovation plan complies with the division's  
5252 uniform firesafety standards ~~of the Division of State Fire~~  
5253 ~~Marshal~~. The cost of all modifications or renovations made for  
5254 the purpose of bringing leased property into compliance with the  
5255 uniform firesafety standards shall be borne by the lessor.

5256 (6) Before construction or substantial improvement of any  
5257 state-owned building is commenced, the department ~~of Management~~  
5258 ~~Services~~ must ascertain that the proposed construction or  
5259 substantial improvement complies with the flood plain management  
5260 criteria for mitigation of flood hazards, as prescribed in the  
5261 October 1, 1986, rules and regulations of the Federal Emergency  
5262 Management Agency, and the department shall monitor the project  
5263 to assure compliance with the criteria. ~~In accordance with~~  
5264 ~~chapter 120,~~ The department ~~of Management Services~~ shall adopt  
5265 ~~any necessary~~ rules necessary to ensure that all such proposed  
5266 state construction and substantial improvement of state  
5267 buildings in designated flood-prone areas complies with the  
5268 flood plain management criteria. If ~~Whenever~~ the department  
5269 determines that a construction or substantial improvement  
5270 project is not in compliance with the ~~established flood plain~~  
5271 ~~management~~ criteria, the department may issue an order to cease  
5272 all construction or improvement activities until compliance is  
5273 obtained, except those activities required to achieve such  
5274 compliance.

5275 (10) The department ~~of Management Services~~ may approve  
5276 emergency acquisition of space without competitive bids if  
5277 existing state-owned or state-leased space is destroyed or  
5278 rendered uninhabitable by an act of God, fire, malicious

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5279 destruction, or structural failure, or by legal action, if the  
5280 chief administrator of the state agency or the chief  
5281 administrator's designee ~~designated representative~~ certifies in  
5282 writing that no other agency-controlled space is available to  
5283 meet this emergency need, but in no case shall the lease for  
5284 such space exceed 11 months. If the lessor elects not to replace  
5285 or renovate the destroyed or uninhabitable facility, the agency  
5286 shall procure the needed space by competitive bid in accordance  
5287 with s. 255.249(4) (b). If the lessor elects to replace or  
5288 renovate the destroyed or uninhabitable facility and the  
5289 construction or renovations will not be complete at the end of  
5290 the 11-month lease, the agency may modify the lease to extend it  
5291 on a month-to-month basis for an additional 6 months to allow  
5292 completion of such construction or renovations.

5293 Section 151. Subsections (1) and (2) of section 255.25001,  
5294 Florida Statutes, are amended to read:

5295 255.25001 Suspension or delay of specified functions,  
5296 programs, and requirements relating to governmental operations.—  
5297 Notwithstanding the provisions of:

5298 (1) Section 946.504(3), as amended by chapter 92-279, Laws  
5299 of Florida, the Department of Environmental Protection is  
5300 ~~Management Services shall~~ not be required to participate with  
5301 the Department of Corrections in the correctional work program  
5302 (PRIDE) leasing process.

5303 (2) Sections 253.025 and 255.25, the Department of  
5304 Environmental Protection may adopt ~~Management Services has the~~  
5305 ~~authority to promulgate~~ rules pursuant to chapter 120 to be used  
5306 in determining whether a lease-purchase of a state-owned office  
5307 building is in the best interests of the state, which ~~rules~~

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5308 provide:

5309 (a) Procedures state agencies shall ~~will~~ follow to certify  
5310 the need for a lease-purchase acquisition for a state-owned  
5311 office building to the department ~~of Management Services~~ and a  
5312 notification procedure of the department's decision regarding  
5313 state agencies' requests for a lease-purchase agreement. The  
5314 certification process shall include but not be limited to the  
5315 following:

5316 1. Current programmatic space requirements of the state  
5317 agency.

5318 2. Future programmatic space requirements of the state  
5319 agency.

5320 3. Time considerations in providing state-owned office  
5321 building space.

5322 4. An analysis of existing leases affected by the lease-  
5323 purchase agreement.

5324 (b) Procedures and document formats for the advertisement,  
5325 competitive bid process, including format of submissions, and  
5326 evaluation of lease-purchase acquisition proposals for state-  
5327 owned office buildings. The evaluation process shall include but  
5328 not be limited to the following:

5329 1. A consideration of the cost of comparable operating  
5330 leases.

5331 2. The appraised value of the facility as required by s.  
5332 253.025.

5333 3. A present value analysis of the proposed payment stream.

5334 4. The cost of financing the facility to be acquired.

5335 5. The cost to repair identified physical defects.

5336 6. The cost to remove identified hazardous substances.

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5337 7. An energy analysis.

5338 8. A determination of who is responsible for management and  
5339 maintenance activities.

5340  
5341 In order to minimize the cost of the evaluation process, the  
5342 department of ~~Management Services~~ may develop a multistage  
5343 evaluation process to identify the most cost-efficient proposals  
5344 for extensive evaluation. The studies developed as a result of  
5345 this evaluation process are ~~shall be considered~~ confidential and  
5346 exempt from ~~the provisions of~~ s. 119.07(1) to the same extent  
5347 that appraisal reports are ~~considered~~ confidential and exempt  
5348 from ~~the provisions of~~ s. 119.07(1) as provided in s.  
5349 253.025(6)(d).

5350 (c) Acceptable terms and conditions for inclusion in lease-  
5351 purchase agreements, which ~~shall~~ include, but are not ~~be~~ limited  
5352 to:

5353 1. The assignment of the lease-purchase agreement to other  
5354 governmental entities, including accumulated equity.

5355 2. The ability of the acquiring state agency to sublease up  
5356 to 25 percent of a portion of the facility, ~~not to exceed 25~~  
5357 ~~percent~~, to other governmental entities. These subleases must  
5358 ~~shall~~ provide for the recovery of the agencies' cost of  
5359 operations and maintenance.

5360  
5361 The execution of a lease-purchase is conditioned upon a finding  
5362 by the Department of Environmental Protection ~~Management~~  
5363 ~~Services~~ that it would be in the best interests of the state.  
5364 ~~The language in~~ This subsection shall be considered specific  
5365 authorization for a lease-purchase pursuant to s. 255.25(1)(c)

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5366 upon the department's ~~Department of Management Services'~~  
5367 certification that the lease-purchase is in the best interests  
5368 of the state. Thereafter, the agency may ~~is authorized to~~ enter  
5369 into a lease-purchase agreement and ~~to~~ expend operating funds  
5370 for lease-purchase payments. Any facility that ~~which~~ is acquired  
5371 pursuant to ~~the processes authorized by~~ this subsection is ~~shall~~  
5372 ~~be considered to be~~ a "state-owned office building" and a  
5373 "state-owned building" as those terms are applied in ss.  
5374 255.248-255.25.

5375 (d) That any costs resulting from the processes authorized  
5376 by this subsection, including but not limited to appraisals,  
5377 environmental analyses, and any other studies that ~~which~~ may be  
5378 required under these provisions, shall be borne by the owner of  
5379 the property that ~~which~~ is the subject of the proposed lease-  
5380 purchase.

5381 Section 152. Subsection (5) of section 255.252, Florida  
5382 Statutes, is amended to read:

5383 255.252 Findings and intent.—

5384 (5) Each state agency occupying space within buildings  
5385 owned or managed by the Department of Environmental Protection  
5386 ~~Management Services~~ must identify and compile a list of projects  
5387 determined to be suitable for a guaranteed energy, water, and  
5388 wastewater performance savings contract pursuant to s. 489.145.  
5389 The list of projects compiled by each state agency shall be  
5390 submitted to the department ~~of Management Services by December~~  
5391 ~~31, 2008,~~ and must include all criteria used to determine  
5392 suitability. The list of projects shall be developed from the  
5393 list of state-owned facilities more than 5,000 square feet in  
5394 area and for which the state agency is responsible for paying

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5395 the expenses of utilities and other operating expenses as they  
5396 relate to energy use. In consultation with the head of each  
5397 state agency, by July 1, 2009, the department shall prioritize  
5398 all projects deemed suitable by each state agency and shall  
5399 develop an energy-efficiency project schedule based on factors  
5400 such as project magnitude, efficiency and effectiveness of  
5401 energy conservation measures to be implemented, and other  
5402 factors that may prove to be advantageous to pursue. The  
5403 schedule shall provide the deadline for guaranteed energy,  
5404 water, and wastewater performance savings contract improvements  
5405 to be made to the state-owned buildings.

5406 Section 153. Subsection (1) of section 255.253, Florida  
5407 Statutes, is amended to read:

5408 255.253 Definitions; ss. 255.251-255.258.—

5409 (1) "Department" means the Department of Environmental  
5410 Protection Management Services.

5411 Section 154. Subsection (3) of section 255.257, Florida  
5412 Statutes, is amended to read:

5413 255.257 Energy management; buildings occupied by state  
5414 agencies.—

5415 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The  
5416 department of ~~Management Services~~ shall develop a state energy  
5417 management plan consisting of, but not limited to, the following  
5418 elements:

- 5419 (a) Data-gathering requirements;
- 5420 (b) Building energy audit procedures;
- 5421 (c) Uniform data analysis procedures;
- 5422 (d) Employee energy education program measures;
- 5423 (e) Energy consumption reduction techniques;

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5424 (f) Training program for state agency energy management  
5425 coordinators; and

5426 (g) Guidelines for building managers.  
5427

5428 The plan must ~~shall~~ include a description of actions that state  
5429 agencies shall take to reduce consumption of electricity and  
5430 nonrenewable energy sources used for space heating and cooling,  
5431 ventilation, lighting, water heating, and transportation.

5432 Section 155. Subsection (2) of section 255.2575, Florida  
5433 Statutes, is amended to read:

5434 255.2575 Energy-efficient and sustainable buildings.—

5435 (2) All county, municipal, school district, water  
5436 management district, state university, community college, and  
5437 Florida state court buildings shall be constructed to meet the  
5438 United States Green Building Council (USGBC) Leadership in  
5439 Energy and Environmental Design (LEED) rating system, the Green  
5440 Building Initiative's Green Globes rating system, the Florida  
5441 Green Building Coalition standards, or a nationally recognized,  
5442 high-performance green building rating system as approved by the  
5443 department ~~of Management Services~~. This section applies ~~shall~~  
5444 ~~apply~~ to all county, municipal, school district, water  
5445 management district, state university, community college, and  
5446 Florida state court buildings the architectural plans of which  
5447 are commenced after July 1, 2008.

5448 Section 156. Subsections (2) and (3) of section 255.259,  
5449 Florida Statutes, are amended to read:

5450 255.259 Florida-friendly landscaping on public property.—

5451 (2) As used in this section, "publicly owned buildings or  
5452 facilities" means construction projects under the purview of the

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5453 Department of Environmental Protection ~~Management Services~~. The  
5454 term does not include environmentally endangered land or roads  
5455 and highway construction under the purview of the Department of  
5456 Transportation.

5457 (3) The ~~Department of Management Services, in consultation~~  
5458 ~~with the~~ Department of Environmental Protection, shall adopt  
5459 rules and guidelines for the required use of Florida-friendly  
5460 landscaping on public property associated with publicly owned  
5461 buildings or facilities constructed after June 30, 2009. The  
5462 department ~~of Management Services~~ shall also develop a 5-year  
5463 program for phasing in the use of Florida-friendly landscaping  
5464 on public property associated with publicly owned buildings or  
5465 facilities constructed before July 1, 2009. In accomplishing  
5466 these tasks, the department ~~of Management Services~~ shall take  
5467 into account the standards provided in s. 373.185. The  
5468 Department of Transportation shall implement Florida-friendly  
5469 landscaping pursuant to s. 335.167.

5470 Section 157. Paragraphs (c) and (d) of subsection (1) of  
5471 section 255.28, Florida Statutes, are amended to read:

5472 255.28 Department authority to acquire land with or for  
5473 facility thereon.—

5474 (1) For the purposes of this section:

5475 (c) "Building" or "facility" means those construction  
5476 projects under the purview of the department ~~of Management~~  
5477 ~~Services~~. ~~It shall not include~~ Environmentally endangered land,  
5478 recreational land, or roads and highway construction under the  
5479 purview of the Department of Transportation are not included.

5480 (d) "Department" means the Department of Environmental  
5481 Protection ~~Management Services~~.

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5482 Section 158. Section 255.29, Florida Statutes, is amended  
5483 to read:

5484 255.29 Construction contracts; department rules.—The  
5485 Department of Environmental Protection Management Services shall  
5486 establish by rule, ~~through the adoption of administrative rules~~  
5487 ~~as provided in chapter 120~~:

5488 (1) Procedures for determining the qualifications and  
5489 responsibility of potential bidders before ~~prior to~~  
5490 advertisement for and receipt of bids for building construction  
5491 contracts, including procedures for the rejection of bidders who  
5492 are reasonably determined from prior experience to be  
5493 unqualified or irresponsible to perform the work required by a  
5494 proposed contract.

5495 (2) Procedures for awarding each state agency construction  
5496 project to the lowest qualified bidder as well as procedures to  
5497 be followed when ~~in cases in which~~ the department of ~~Management~~  
5498 ~~Services~~ declares the existence of a valid emergency that  
5499 necessitates to exist ~~which would necessitate~~ the waiver of the  
5500 rules governing the awarding of state construction contracts to  
5501 the lowest qualified bidder.

5502 (3) Procedures to govern negotiations for construction  
5503 contracts and modifications to contract documents if ~~when~~ such  
5504 negotiations are determined by the secretary of the department  
5505 ~~of Management Services~~ to be in the best interest of the state.

5506 (4) Procedures for entering into performance-based  
5507 contracts for the development of public facilities when the  
5508 department ~~of Management Services~~ determines the use of such  
5509 contracts to be in the best interest of the state. The  
5510 procedures must ~~shall~~ include, but are not limited to:

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- 5511 (a) Prequalification of bidders;
- 5512 (b) Criteria to be used in developing requests for  
5513 proposals which may provide for singular responsibility for  
5514 design and construction, developer flexibility in material  
5515 selection, construction techniques, and application of state-of-  
5516 the-art improvements;
- 5517 (c) Accelerated scheduling, including the development of  
5518 plans, designs, and construction simultaneously; and
- 5519 (d) Evaluation of proposals and award of contracts  
5520 considering such factors as price, quality, and concept of the  
5521 proposal.

5522 Section 159. Subsection (1) of section 255.30, Florida  
5523 Statutes, is amended to read:

5524 255.30 Fixed capital outlay projects; department rules;  
5525 delegation of supervisory authority; delegation of  
5526 responsibility for accounting records.—

5527 (1) The Department of Environmental Protection Management  
5528 ~~Services~~ shall ~~make and~~ adopt rules pursuant to chapter 120 in  
5529 ~~order~~ to establish a procedure for delegating to state agencies  
5530 its supervisory authority as it relates to the repair,  
5531 alteration, and construction of fixed capital outlay projects.

5532 Section 160. Section 255.31, Florida Statutes, is amended  
5533 to read:

5534 255.31 Authority to ~~the Department of Management Services~~  
5535 ~~to~~ manage construction projects for state and local  
5536 governments.—

5537 (1) The design, construction, erection, alteration,  
5538 modification, repair, and demolition of all public and private  
5539 buildings are governed by the Florida Building Code and the

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5540 Florida Fire Prevention Code, which are ~~to be~~ enforced by local  
5541 jurisdictions or local enforcement districts unless specifically  
5542 exempted as provided in s. 553.80. However, the Department of  
5543 Environmental Protection Management Services shall provide the  
5544 project management and administration services for the  
5545 construction, renovation, repair, modification, or demolition of  
5546 buildings, utilities, parks, parking lots, or other facilities  
5547 or improvements for projects for which the funds are  
5548 appropriated to the department. However; ~~provided that~~, with the  
5549 exception of facilities constructed under the authority of  
5550 chapters 944, 945, and 985; the Governor's mansion and grounds  
5551 thereof, as described in s. 272.18; and the Capitol Building and  
5552 environs, being that part of the City of Tallahassee bounded on  
5553 the north by Pensacola and Jefferson Streets, on the east by  
5554 Monroe Street, on the south by Madison Street, and on the west  
5555 by Duval Street, the department may not conduct plans reviews or  
5556 inspection services for consistency with the Florida Building  
5557 Code. The department's fees for such services shall be paid from  
5558 such appropriations.

5559 (2) The Department of Environmental Protection Management  
5560 ~~Services~~ may, upon request, enter into contracts with other  
5561 state agencies under which the department may provide the  
5562 project management, administration services, or assistance for  
5563 the construction, renovation, repair, modification, or  
5564 demolition of buildings, utilities, parks, parking lots, or  
5565 other facilities or improvements for projects for which the  
5566 funds are appropriated to other state agencies; however,  
5567 ~~provided that~~ the department may ~~does~~ not conduct plans reviews  
5568 or inspection services for consistency with the Florida Building

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5569 Code. The contracts must ~~shall~~ provide for payment of fees to  
5570 the department.

5571 (3) This section may ~~shall~~ not be construed to be in  
5572 derogation of any authority conferred on the department by other  
5573 provisions of law.

5574 Section 161. Paragraph (d) of subsection (1) of section  
5575 255.32, Florida Statutes, is amended to read:

5576 255.32 State construction management contracting.—

5577 (1) As used in this section, the term:

5578 (d) "Department" means the Department of Environmental  
5579 Protection Management Services.

5580 Section 162. Section 255.45, Florida Statutes, is amended  
5581 to read:

5582 255.45 Correction of firesafety violations in certain  
5583 state-owned property.—The Department of Environmental Protection  
5584 ~~Management Services~~ is responsible for ensuring that firesafety  
5585 violations that are noted by the State Fire Marshal pursuant to  
5586 s. 633.085 are corrected as soon as practicable for all state-  
5587 owned property ~~which is~~ leased from the department ~~of Management~~  
5588 ~~Services~~.

5589 Section 163. Section 255.451, Florida Statutes, is amended  
5590 to read:

5591 255.451 Electronic firesafety and security system.—The  
5592 management responsibility of the electronic firesafety and  
5593 security system located within the Capitol and any associated  
5594 system ~~associated therewith~~ is vested in the Department of  
5595 Environmental Protection Management Services.

5596 Section 164. Present subsections (6) through (18) of  
5597 section 255.502, Florida Statutes, are redesignated as

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5598 subsections (7) through (15), a new subsection (6) is added to  
5599 that section, and paragraphs (c), (d), and (l) of subsections  
5600 (2), and present subsections (5), (7), (10), (12), (14), and  
5601 (16) of that section, are amended to read:

5602 255.502 Definitions; ss. 255.501-255.525.—As used in this  
5603 act, the following words and terms shall have the following  
5604 meanings unless the context otherwise requires:

5605 (2) "Acquisition costs" means all reasonable and necessary  
5606 costs incurred in the acquisition of a facility, which costs may  
5607 include, but are not limited to:

5608 (c) Any expenses relating to the issuance of the  
5609 obligations by the division in the name and on behalf of the  
5610 department ~~of Management Services~~, including, but not limited  
5611 to, private placement fees, underwriting fees, original issue  
5612 discounts, rating agency fees, and other necessary fees.

5613 (d) Fees in connection with the planning, execution, and  
5614 financing of a project, such as those of architects, engineers,  
5615 attorneys, feasibility consultants, financial advisers,  
5616 accountants, and the department ~~of Management Services~~,  
5617 including the allocable portions of direct costs of the  
5618 department ~~of Management Services~~ and the lessee agencies.

5619 (1) The reimbursement of all moneys advanced or supplied to  
5620 or borrowed by the department ~~of Management Services~~ or others  
5621 for the payment of any item of cost of a facility.

5622 (5) "Debt service charges" means, collectively, principal,  
5623 including mandatory sinking fund requirements and the accretion  
5624 portion of any capital appreciation bonds for retirement of  
5625 obligations, interest, redemption premium, if any, ~~required~~ to  
5626 be paid by the department ~~of Management Services~~ on obligations

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5627 issued under this act and any obligation administrative fees.

5628 (6) "Department" means the Department of Environmental  
5629 Protection.

5630 (8)~~(7)~~ "Eligible facility" means all state-owned facilities  
5631 under the jurisdiction of the department ~~of Management Services~~  
5632 and all other state-owned facilities except those having less  
5633 than 3,000 square feet.

5634 (11)~~(10)~~ "Obligation administrative fees" means any  
5635 periodic expense, charge, or cost relating to or incurred in  
5636 connection with remarketing of obligations such as remarketing  
5637 agent or indexing agent fees and any periodic expense, charge,  
5638 or cost related to any obligations or to credit enhancements or  
5639 liquidity features, including, but not limited to, letter of  
5640 credit fees, whether direct pay or standby, swap agent fees and  
5641 similar expenses, periodic fees and expenses, if any, of  
5642 trustees, depositories, registrars, book entry registrars and  
5643 paying agents, and any allowances established by the department  
5644 ~~of Management Services~~ for working capital, contingency  
5645 reserves, and reserves for any anticipated operating deficits  
5646 during each fiscal year.

5647 (13)~~(12)~~ "Pool pledged revenues" means all legislative  
5648 appropriations and all fees, charges, revenues, or receipts  
5649 derived by the department ~~of Management Services~~ from the  
5650 operation, leasing, or other disposition of facilities in the  
5651 pool, and the proceeds of obligations issued under this act,  
5652 including ~~and shall include~~ any moneys appropriated to an agency  
5653 for the purpose of making such rental payments, rental payments  
5654 received with respect to such facilities from whatever sources,  
5655 and receipts therefrom, and investment of any such moneys

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5656 pursuant to this act, all as are available for the payment of  
5657 debt service charges on such obligations as are issued with  
5658 respect to the pool.

5659 (15)~~(14)~~ "Qualified facility" means an eligible facility  
5660 that ~~which~~ is ~~either~~:

5661 (a) Structurally sound and is in a satisfactory state of  
5662 repair;

5663 (b) Determined by the department ~~of Management Services~~ to  
5664 be suitable for entry into the pool although not meeting the  
5665 requirements of paragraph (a); or

5666 (c) Under the jurisdiction of the department ~~of Management~~  
5667 ~~Services~~.

5668 (17)~~(16)~~ "Revenue bonds" means any bonds, debentures,  
5669 notes, certificates, or other evidences of financial  
5670 indebtedness, whether certificated or noncertificated, issued by  
5671 the division on behalf of the department ~~of Management Services~~  
5672 under and pursuant to this act, including, but not limited to,  
5673 variable rate obligations, designated maturity obligations,  
5674 capital appreciation bonds, original issue discount bonds, and  
5675 multimodal instruments or obligations, or instruments combining  
5676 any of the foregoing.

5677 Section 165. Section 255.503, Florida Statutes, is amended  
5678 to read:

5679 255.503 Powers of the Department of Environmental  
5680 Protection Management Services.—The department is authorized ~~of~~  
5681 ~~Management Services shall have all the authority necessary to~~  
5682 carry out and effectuate the purposes and provisions of this  
5683 act, including, but not limited to, ~~the authority to~~:

5684 (1) Collect reasonable rentals or charges for the use of

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5685 and services provided for facilities in the pool in accordance  
5686 with ~~the provisions of~~ this act exclusively for the purpose of  
5687 paying the expenses of improving, repairing, maintaining, and  
5688 operating facilities and paying debt service charges in  
5689 connection with its obligations.

5690 (2) Prescribe ~~for~~ the use of facilities in the pool,  
5691 prescribe the amount of rentals or charges, and make and enter  
5692 into contracts with any political subdivision or agency, for the  
5693 use of and services provided for such facilities.

5694 (3) Acquire facilities pursuant to s. 11(f), Art. VII of  
5695 the State Constitution and own, operate, and finance such  
5696 facilities in accordance with this act through the issuance of  
5697 obligations by the division ~~under this act~~; to use utilize  
5698 rentals or charges from such facilities, as well as any  
5699 appropriated state or other public funds; and to pledge revenue  
5700 from such facilities to finance the acquisition of facilities  
5701 pursuant to ~~the provisions of~~ this act.

5702 (4) Operate existing state-owned facilities in the pool and  
5703 to pledge rentals or charges for such facilities to finance the  
5704 acquisition of facilities pursuant to ~~the provisions of~~ this  
5705 act.

5706 (5) Pledge, hypothecate, or otherwise encumber rentals or  
5707 charges as may be agreed as security for obligations issued  
5708 under this act and enter into trust agreements or indentures for  
5709 the benefit of the holders of such obligations.

5710 (6) Borrow money or accept advances, loans, gifts, grants,  
5711 devises, or bequests from any legal source; enter into contracts  
5712 or agreements with any party; and hold and apply advances,  
5713 loans, gifts, grants, devises, or bequests according to the

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5714 terms thereof. Such advances, loans, gifts, grants, devises, or  
5715 bequests of real estate may be in fee simple or of any lesser  
5716 estate and may be subject to any reasonable reservations. Any  
5717 advances or loans received from any source may be repaid in  
5718 accordance with the terms of such advance or loan.

5719 (7) (a) Sell, lease, release, or otherwise dispose of  
5720 facilities in the pool in accordance with applicable law.

5721 (b) Upon determining ~~No later than the date upon which the~~  
5722 ~~department recommends to the Division of State Lands of the~~  
5723 ~~Department of Environmental Protection~~ the disposition of any  
5724 facility within the Florida Facilities Pool, the department  
5725 shall provide to the President of the Senate, the Speaker of the  
5726 House of Representatives, the Executive Office of the Governor,  
5727 and the Division of Bond Finance of the State Board of  
5728 Administration an analysis that includes:

5729 1. The cost benefit of the proposed facility disposition,  
5730 including the facility's current operating expenses, condition,  
5731 and market value, and viable alternatives for work space for  
5732 impacted state employees.

5733 2. The effect of the proposed facility disposition on the  
5734 financial status of the Florida Facilities Pool, including the  
5735 effect on rental rates and coverage requirement for the bonds.

5736  
5737 ~~This paragraph expires July 1, 2010.~~

5738 (8) Create and establish funds and accounts for ~~the purpose~~  
5739 ~~of~~ debt service reserves, for ~~the~~ matching ~~of~~ the timing and the  
5740 amount of available funds and debt service charges, for sinking  
5741 funds, for capital depreciation reserves, for operating  
5742 reserves, for capitalized interest and moneys not required for

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5743 immediate disbursement to acquire all or a portion of any  
5744 facility, and for any other reserves, funds, or accounts  
5745 reasonably necessary to carry out the provisions of this act and  
5746 to invest in authorized investments any moneys held in such  
5747 funds and accounts ~~if, provided~~ such investments will be made on  
5748 behalf of the department ~~of Management Services~~ by the State  
5749 Board of Administration or the Chief Financial Officer, as  
5750 appropriate.

5751 (9) Engage the services of consultants for rendering  
5752 professional and technical assistance and advice and ~~to~~ engage  
5753 services of professionals in connection with the acquisition or  
5754 financing of any facility or the operation and activities of the  
5755 department ~~of Management Services~~, including attorneys,  
5756 auditors, consultants, and accountants.

5757 (10) Lease all or any portion of any facility to an agency  
5758 or to any political subdivision.

5759 (11) Adopt ~~Promulgate~~ all rules necessary to administer  
5760 ~~implement the provisions of~~ this act.

5761 (12) Do all other acts reasonably necessary to carry out  
5762 the provisions of this act.

5763 Section 166. Subsection (1) of section 255.504, Florida  
5764 Statutes, is amended to read:

5765 255.504 Use of facilities.—

5766 (1) Any facility that ~~which~~ is acquired and approved  
5767 pursuant to s. 11(f), Art. VII of the State Constitution and  
5768 financed under this act, and any facility in the pool shall be  
5769 occupied to the extent that space is available, by agencies as  
5770 authorized by the department ~~of Management Services~~.

5771 Section 167. Section 255.505, Florida Statutes, is amended

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5772 to read:

5773 255.505 Creation of the pool.—The department ~~of Management~~  
5774 ~~Services~~ is hereby authorized and directed to create the Florida  
5775 Facilities Pool in order for that agencies to ~~may~~ participate,  
5776 and ~~thereby~~ pool the rentals to be paid by such agencies,  
5777 at uniform rates with additional charges for services provided, and  
5778 to authorize the issuance of obligations secured by and payable  
5779 from such rentals and charges. Participation in the pool must  
5780 ~~shall~~ be in accordance with ~~the provisions of~~ this act.

5781 Section 168. Subsections (1), (3), and (4) of section  
5782 255.506, Florida Statutes, are amended to read:

5783 255.506 Facilities in pool.—The following facilities shall  
5784 be entered into the pool:

5785 (1) All existing state-owned facilities under the  
5786 jurisdiction of the department ~~of Management Services~~ shall be  
5787 entered into the pool upon the creation of the pool.

5788 (3) Any agency may submit all, but not less than all, of  
5789 the eligible facilities under its jurisdiction for entry into  
5790 the pool. Each of such eligible facilities which is determined  
5791 by the department ~~of Management Services~~ to be a qualified  
5792 facility shall be entered into the pool ~~upon such determination.~~

5793 (4) Any agency that ~~which~~ requests the issuance of  
5794 obligations under this act for ~~the~~ financing ~~of~~ the acquisition  
5795 of a facility shall submit all, but not less than all, of the  
5796 eligible facilities under its jurisdiction for entry into the  
5797 pool. Each of such eligible facilities which is determined by  
5798 the department ~~of Management Services~~ to be a qualified facility  
5799 shall be entered into the pool ~~upon such a determination.~~

5800 Section 169. Section 255.507, Florida Statutes, is amended

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5801 to read:

5802 255.507 Determination of qualified facilities.—~~The~~  
 5803 ~~Department of Management Services,~~ In making determinations  
 5804 under s. 255.502(15)(b) ~~255.502(14)(b)~~, the department shall  
 5805 determine a facility to be a qualified ~~facility~~ if the facility  
 5806 meets one ~~either~~ of the following standards:

5807 (1) The facility is in compliance with the firesafety  
 5808 standards established by the State Fire Marshal for state-owned  
 5809 buildings, is in compliance with flood management criteria if it  
 5810 is located in a flood-prone area, and is in good operating  
 5811 condition in relation to its intended use.

5812 (2) The facility's economic benefit to the pool will be  
 5813 equal to or greater than the cost of restoring the facility to  
 5814 the condition described in subsection (1). For purposes of this  
 5815 subsection, achieving such economic benefit means that the rent  
 5816 to be paid by the occupants of the facility will be adequate to  
 5817 repay the restoration costs within 5 years.

5818 Section 170. Section 255.508, Florida Statutes, is amended  
 5819 to read:

5820 255.508 Participation in pool.—To participate in the pool,  
 5821 an agency head shall submit a request to the department ~~of~~  
 5822 ~~Management Services~~ and to the division pursuant to rules  
 5823 adopted by the department ~~of Management Services~~ pursuant to  
 5824 this act.

5825 Section 171. Section 255.509, Florida Statutes, is amended  
 5826 to read:

5827 255.509 Request for advisory statement.—

5828 (1) Any agency may request ~~from the Department of~~  
 5829 ~~Management Services~~ an advisory statement from the department

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5830 which states ~~shall state~~ the estimated pool rental rate that  
5831 ~~which~~ would be assessed under current conditions for the  
5832 agency's facilities if entered into the pool. The request for an  
5833 advisory statement must ~~shall~~ contain a description of each  
5834 eligible facility under the jurisdiction of the agency or to be  
5835 acquired by the agency.

5836 (2) In rendering such advisory statement, the department ~~of~~  
5837 ~~Management Services~~ shall consult with the division and is ~~shall~~  
5838 ~~be~~ entitled to rely upon financial advisers or other  
5839 professionals and may assume whatever method of financing that  
5840 the division deems cost-effective.

5841 Section 172. Section 255.51, Florida Statutes, is amended  
5842 to read:

5843 255.51 Determination of rental rates.—The department ~~of~~  
5844 ~~Management Services~~ shall determine and establish rental rates  
5845 charged and computed on a per square foot basis for all  
5846 facilities in the pool whether or not of new construction, and  
5847 such rates shall be applied uniformly to all agencies using or  
5848 occupying space in facilities in the pool with additional  
5849 charges based upon the elements of service and special requests  
5850 as provided. Separate rates and charges may be established for  
5851 warehouse space and parking space incidental to facilities in  
5852 the pool.

5853 Section 173. Subsection (1) of section 255.511, Florida  
5854 Statutes, is amended to read:

5855 255.511 Factors to be considered in establishing rental  
5856 rates.—

5857 (1) The department ~~of Management Services~~ shall prepare a  
5858 complete annual budget for debt service on obligations issued

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5859 under this act and for capital depreciation reserve deposits and  
5860 expenses included in the operation and maintenance of each  
5861 facility in the pool.

5862 Section 174. Section 255.513, Florida Statutes, is amended  
5863 to read:

5864 255.513 Powers of the Division of Bond Finance and the  
5865 Department of Environmental Protection Management Services.—The  
5866 division of ~~Bond Finance~~ and the department of ~~Management~~  
5867 ~~Services~~ are authorized to jointly:

5868 (1) Engage the services of remarketing agents, indexing  
5869 agents, underwriters, financial advisers, special tax counsel,  
5870 bond counsel, or similar type services with respect to the  
5871 issuance of any obligations under this act.

5872 (2) Procure credit enhancements such as municipal bond  
5873 insurance, debt service reserve insurance, lease payment  
5874 insurance, letters of credit or liquidity facilities such as  
5875 letters of credit or surety bonds, or to enter into rate  
5876 protection agreements, such as interest rate swaps or similar  
5877 arrangements, in conjunction with the issuance of any  
5878 obligations under this act.

5879 Section 175. Section 255.514, Florida Statutes, is amended  
5880 to read:

5881 255.514 Division of Bond Finance; revenue bonds.—The  
5882 division is authorized to issue obligations under this act on  
5883 behalf of and at the request of the department of ~~Management~~  
5884 ~~Services~~.

5885 Section 176. Section 255.515, Florida Statutes, is amended  
5886 to read:

5887 255.515 Issuance of obligations by the division.—With

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5888 respect to the issuance of any obligations under this act, the  
5889 division may ~~shall be entitled to~~ use such method of financing  
5890 or combination of methods of financing as it deems appropriate  
5891 to result in cost-effective financing. The division may ~~shall be~~  
5892 ~~entitled to~~ rely upon the advice of financial advisers and other  
5893 professionals retained jointly by the department ~~of Management~~  
5894 ~~Services~~ and the division for such purposes.

5895 Section 177. Section 255.517, Florida Statutes, is amended  
5896 to read:

5897 255.517 Anticipation obligations.—To provide funds for the  
5898 purposes of this act, and before ~~prior to~~ the delivery of an  
5899 issue of revenue bonds for the purposes of this act, the  
5900 division may, on behalf of the department ~~of Management~~  
5901 ~~Services, from time to time,~~ by resolution, anticipate the  
5902 issuance of such revenue bonds by the issuance of revenue notes,  
5903 including commercial paper notes in the form of bond  
5904 anticipation notes, with or without coupons, exchangeable for  
5905 the revenue bonds when such revenue bonds have been executed and  
5906 are available for delivery, or to be paid, together with  
5907 interest and premium, if any, from the proceeds of the sale of  
5908 such revenue bonds or a renewal issue of revenue notes,  
5909 including commercial paper notes in the form of bond  
5910 anticipation notes. In connection with such revenue notes, the  
5911 department ~~of Management Services~~ may covenant to do all things  
5912 necessary to authorize the issuance of the obligations and shall  
5913 make the exchange or application of the proceeds pursuant to its  
5914 agreements. Such revenue notes and, in the case of commercial  
5915 paper notes, the latest maturity thereof may not ~~shall~~ mature  
5916 ~~not~~ later than 5 years from the date of issue of the original

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5917 revenue notes and shall bear such other terms and shall be  
5918 executed and sold in the manner authorized by the division and  
5919 not prohibited by this act.

5920 Section 178. Subsections (1) and (2), paragraphs (b) and  
5921 (c) of subsection (5), paragraphs (a), (d), (e), and (f) of  
5922 subsection (6), paragraph (a) of subsection (7), and subsections  
5923 (8), (10), (11), (12), and (13) of section 255.518, Florida  
5924 Statutes, are amended to read:

5925 255.518 Obligations; purpose, terms, approval,  
5926 limitations.-

5927 (1) ~~(a)~~ The issuance of obligations shall provide sufficient  
5928 funds to achieve the purposes of this act; pay interest on  
5929 obligations except as provided in paragraph (b); pay expenses  
5930 incident to the issuance and sale of any obligations issued  
5931 pursuant to this act, including costs of validating, printing,  
5932 and delivering the obligations, printing the official statement,  
5933 publishing notices of sale of the obligations, and related  
5934 administrative expenses; pay building acquisition and  
5935 construction costs; and pay all other capital expenditures of  
5936 the department ~~of Management Services~~ and the division incident  
5937 to and necessary to carry out the purposes and powers granted by  
5938 this act, subject to ~~the provisions of s. 11(f), Art. VII of the~~  
5939 State Constitution and the applicable provisions of the State  
5940 Bond Act. Such obligations are ~~shall be~~ payable solely from the  
5941 pool pledged revenues identified to such obligation.

5942 (a) Proceeds of obligations may not be used to pay building  
5943 acquisition or construction costs for any facility until the  
5944 Legislature has appropriated funds from other sources estimated  
5945 to be necessary for all costs relating to the initial planning,

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5946 preliminary design and programming, and land acquisition for  
5947 such facility and until such planning, design, and land  
5948 acquisition activities have been completed. Obligation proceeds  
5949 for building construction, renovation, or acquisition shall be  
5950 requested for appropriation in any fiscal year by the department  
5951 ~~of Management Services~~ only if the department estimates that  
5952 such construction, renovation, or acquisition can be initiated  
5953 during such fiscal year.

5954 (b) Payment of debt service charges on obligations during  
5955 the construction of any facility financed by such obligations  
5956 shall be made from funds other than proceeds of obligations.

5957 (2) All obligations authorized by this act shall be issued  
5958 on behalf of and in the name of the Department of Management  
5959 Services by the division as provided by this act, with a term of  
5960 not more than 30 years and, except as otherwise provided herein,  
5961 in such principal amounts as shall be necessary to provide  
5962 sufficient funds to achieve the purposes of this act.

5963 (5) Any resolution or resolutions authorizing any  
5964 obligations issued pursuant to this act shall provide that:

5965 (b) The department ~~of Management Services~~ shall maintain  
5966 all facilities in the pool in a satisfactory state of repair,  
5967 subject to such exceptions as are determined by the department  
5968 ~~of Management Services~~, provided that such exceptions do not  
5969 result in breach of any rate covenant in connection with the  
5970 obligations.

5971 (c) The department ~~of Management Services~~ shall establish  
5972 pool rental rates in amounts so that the annualized amount of  
5973 pool pledged revenues for the then-current bond year is ~~shall be~~  
5974 at least equal to the aggregate of 110 percent of debt services

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5975 charges, plus 100 percent of capital depreciation reserve  
5976 deposits, plus 100 percent of costs of operations and  
5977 maintenance, if any, in each case as shown in the annual budget  
5978 required pursuant to this act.

5979 (6) Any resolution authorizing any obligations issued  
5980 pursuant to this act may contain provisions, without limitation,  
5981 which shall be a part of the contract with the holders thereof,  
5982 as to:

5983 (a) Pledging all or any part of the assets of the  
5984 department ~~of Management Services~~ securing the same, including  
5985 leases with respect to all or any part of a facility, to secure  
5986 the payment of obligations, subject to any existing such  
5987 agreements with holders of obligations ~~as may then exist~~.

5988 (d) Vesting in the State Board of Administration such  
5989 property, rights, powers, and duties in trust as the division  
5990 and the department ~~of Management Services~~ may determine, and  
5991 limiting or abrogating the right of holders of obligations to  
5992 appoint a trustee under this act or limiting the rights, powers,  
5993 and duties of such trustee.

5994 (e) Defining the acts or omissions to act which ~~shall~~  
5995 constitute a default in the obligations and duties of the  
5996 division and the department ~~of Management Services~~ to the  
5997 holders of obligations and providing for the rights and remedies  
5998 of holders of obligations in the event of such default,  
5999 including, as matter of right, the appointment of a receiver;  
6000 provided such rights and remedies are ~~shall~~ not be inconsistent  
6001 with state law ~~the general laws of the state and the other~~  
6002 provisions of this act.

6003 (f) Providing for the segregation of revenues payable to

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6004 the department of ~~Management Services~~ as rentals or charges  
6005 arising from facilities in the pool; providing for the handling  
6006 of such revenues and the remittance of all or a portion thereof  
6007 to the State Board of Administration or a paying agent;  
6008 providing for the establishment of debt service reserves,  
6009 capitalized interest accounts, capital depreciation reserve  
6010 accounts, and the calculation of the amounts to be deposited  
6011 therein; providing for the procurement of letters of credit or  
6012 municipal bond insurance or similar credit enhancements or of  
6013 letters of credit or similar liquidity facilities for the  
6014 benefit of holders of such obligations or for the entering into  
6015 of agreements with remarketing agents, tender agents, or  
6016 indexing agents or of reimbursement agreements with respect to  
6017 any of the foregoing concerning any such obligations.

6018 (7) (a) The obligations issued by the division on behalf of  
6019 and in the name of the department of ~~Management Services~~ shall  
6020 be sold at public sale in the manner provided by the State Bond  
6021 Act. However, ~~provided that~~ if the division determines ~~shall~~  
6022 ~~determine~~ that a negotiated sale of the obligations is in the  
6023 best interest of the state, the division may negotiate for sale  
6024 of the obligations with the underwriter jointly designated by  
6025 the division and the department of ~~Management Services~~. In  
6026 authorizing the negotiated sale, the division shall provide  
6027 specific findings as to the reasons for the negotiated sale. The  
6028 reasons ~~shall~~ include, but are not ~~be~~ limited to,  
6029 characteristics of the obligations to be issued and prevailing  
6030 market conditions that necessitate a negotiated sale. If ~~In the~~  
6031 ~~event~~ the division negotiates for sale of obligations, the  
6032 managing underwriter, or financial consultant or adviser, if

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6033 applicable, shall provide to the division, before awarding prior  
6034 ~~to the award of~~ such obligations to the managing underwriter, a  
6035 disclosure statement containing the following information:

6036 1. An itemized list setting forth the nature and estimated  
6037 amounts of expenses to be incurred by the managing underwriter  
6038 in connection with the issuance of such obligations. However  
6039 ~~Notwithstanding the foregoing,~~ any such list may include an item  
6040 for miscellaneous expenses, provided it includes only minor  
6041 items of expense which are not ~~cannot be~~ easily categorized  
6042 elsewhere in the statement.

6043 2. The names, addresses, and estimated amounts of  
6044 compensation of any finders connected with the issuance of the  
6045 obligations.

6046 3. The amount of underwriting spread expected to be  
6047 realized.

6048 4. Any management fee charged by the managing underwriter.

6049 5. Any other fee, bonus, or compensation estimated to be  
6050 paid by the managing underwriter in connection with the  
6051 obligations issued to any person not regularly employed or  
6052 retained by it.

6053 6. The name and address of the managing underwriter, if  
6054 any, connected with the obligations issued.

6055 7. Any other disclosure ~~which~~ the division may require.

6056

6057 This paragraph is not intended to restrict or prohibit the  
6058 employment of professional services relating to obligations  
6059 issued under this act or the issuance of bonds by the division  
6060 under any other provisions of law.

6061 (8) ~~(a)~~ No underwriter, commercial bank, investment banker,

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6062 or financial consultant or adviser shall pay any finder any  
6063 bonus, fee, or gratuity in connection with the sale of  
6064 obligations issued by the division on behalf of and in the name  
6065 of the department ~~of Management Services~~ unless full disclosure  
6066 is made to the division before ~~prior to~~ or concurrently with the  
6067 submission of a purchase proposal for such obligations by the  
6068 underwriter, commercial bank, investment banker, or financial  
6069 consultant or adviser and is made subsequently in the official  
6070 statement or offering circular, if any, detailing the name and  
6071 address of any finder and the amount of bonus, fee, or gratuity  
6072 paid to such finder.

6073 (a) ~~(b)~~ A willful violation of this subsection is a felony  
6074 of the third degree, punishable as provided in s. 775.082, s.  
6075 775.083, or s. 775.084.

6076 (b) ~~(c)~~ A ~~Ne~~ violation of this subsection does not ~~shall~~  
6077 affect the validity of any obligation issued under this act.

6078 (10) All obligations issued by the division on behalf of  
6079 and in the name of the department ~~of Management Services~~ shall  
6080 state on the face thereof that they are payable, both as to  
6081 principal and interest, and premium, if any, solely out of the  
6082 pool pledged revenues, and do not constitute an obligation,  
6083 ~~either~~ general or special, of the state or of any political  
6084 subdivision.

6085 (11) All obligations issued by the division on behalf of  
6086 and in the name of the department ~~of Management Services~~ are  
6087 ~~hereby declared to~~ have all the qualities and incidents of  
6088 negotiable instruments under the applicable laws of the state.

6089 (12) Any pledge of earnings, revenues, or other moneys made  
6090 by the department are ~~of Management Services shall be~~ valid and

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6091 binding from the time the pledge is made. Any earnings,  
6092 revenues, or other moneys so pledged and thereafter received by  
6093 the department ~~of Management Services~~ shall immediately be  
6094 subject to the lien of that pledge without any physical delivery  
6095 thereof or further act, and the lien of the pledge is ~~shall be~~  
6096 valid and binding ~~as~~ against the department ~~of Management~~  
6097 ~~Services~~ irrespective of whether the parties have notice  
6098 thereof. Neither the resolution nor any other instrument by  
6099 which a pledge is created need be recorded or filed pursuant to  
6100 the Uniform Commercial Code.

6101 (13) No employee of the department ~~of Management Services~~  
6102 or the division, nor any person lawfully executing obligations  
6103 issued under this act by the division on behalf of and in the  
6104 name of the Department of Management Services, is ~~shall be~~  
6105 ~~liable~~ personally liable on the obligations or ~~be~~ subject to any  
6106 personal liability or accountability by reason of the issuance  
6107 thereof.

6108 Section 179. Section 255.52, Florida Statutes, is amended  
6109 to read:

6110 255.52 Approval by State Board of Administration.—At or  
6111 before ~~prior to~~ the sale by the division, all obligations  
6112 proposed to be issued by the division must ~~shall~~ be approved by  
6113 the State Board of Administration as to fiscal sufficiency. The  
6114 state board ~~of Administration~~ shall look to the rate coverage of  
6115 all pool pledged revenues, as projected by the department ~~of~~  
6116 ~~Management Services~~, with respect to all proposed and  
6117 outstanding obligations issued under this act:

6118 (1) One hundred and ten percent of debt service charges;  
6119 plus

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6120 (2) One hundred percent of capital depreciation reserved  
6121 deposits, if any; plus

6122 (3) One hundred percent of costs of operation and  
6123 maintenance.

6124

6125 With respect to variable rate obligations, such evaluation shall  
6126 be made at the interest rate for the date of sale determined as  
6127 provided in s. 255.519.

6128 Section 180. Section 255.521, Florida Statutes, is amended  
6129 to read:

6130 255.521 Failure of payment.—~~If should~~ an agency fails ~~fail~~  
6131 to make a timely payment of the pool pledged rentals or charges  
6132 as required by this act, the Chief Financial Officer shall  
6133 withhold general revenues of the agency in an amount sufficient  
6134 to pay the rentals and charges due and unpaid ~~from such agency~~.  
6135 The Chief Financial Officer shall forward such general revenue  
6136 ~~amounts~~ to the department ~~of Management Services~~ in payment of  
6137 such rents.

6138 Section 181. Section 255.522, Florida Statutes, is amended  
6139 to read:

6140 255.522 State and political subdivisions not liable on  
6141 obligations.—Obligations issued pursuant to this act are ~~shall~~  
6142 not ~~be~~ a debt of the state or of any political subdivision, and  
6143 neither the state nor any political subdivision is ~~shall be~~  
6144 liable thereon. The department may not ~~of Management Services~~  
6145 ~~shall not have the power to~~ pledge the credit, the revenues, or  
6146 the taxing power of the state or of any political subdivision;  
6147 and ~~neither~~ the credit, the revenues, or ~~nor~~ the taxing power of  
6148 the state or of any political subdivision may not ~~shall be, or~~

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6149 ~~shall~~ be deemed to be, pledged to the payment of any obligations  
6150 issued pursuant to this act.

6151 Section 182. Section 255.523, Florida Statutes, is amended  
6152 to read:

6153 255.523 Exemption from taxes.—The property of the  
6154 department ~~of Management Services~~, the transactions and  
6155 operations thereof, and the income therefrom are ~~shall be~~ exempt  
6156 from taxation by the state and political subdivisions.

6157 Section 183. Section 255.555, Florida Statutes, is amended  
6158 to read:

6159 255.555 Records.—Each state agency that ~~which~~ finds that it  
6160 has asbestos-containing materials in any public building for  
6161 which it is responsible shall prepare and maintain a record  
6162 containing a report summarizing the survey, including the hazard  
6163 assessment, drawings and photographs of the sample area, and  
6164 estimates of the quantities of hazardous materials. The agency  
6165 shall, within 30 days after ~~of~~ receipt of said survey, submit a  
6166 copy of the survey to the regional asbestos program manager and  
6167 a summary to the Department of Environmental Protection  
6168 ~~Management Services~~.

6169 Section 184. Paragraph (a) of subsection (2) of section  
6170 265.001, Florida Statutes, is amended to read:

6171 265.001 Florida Women's Hall of Fame.—

6172 (2) (a) There is hereby established the Florida Women's Hall  
6173 of Fame. The Department of Environmental Protection ~~Management~~  
6174 ~~Services~~ shall set aside an area on the Plaza Level of the  
6175 Capitol Building and shall consult with the Florida Commission  
6176 on the Status of Women regarding the design and theme of such  
6177 area.

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6178 Section 185. Paragraph (a) of subsection (2) of section  
6179 265.2865, Florida Statutes, is amended to read:

6180 265.2865 Florida Artists Hall of Fame.—

6181 (2) (a) There is hereby created the Florida Artists Hall of  
6182 Fame. The Florida Arts Council shall identify an appropriate  
6183 location in the public area of a building in the Capitol Center  
6184 that is under the jurisdiction of the Department of  
6185 Environmental Protection ~~Management Services~~, which location  
6186 shall be set aside by the department and designated as the  
6187 Florida Artists Hall of Fame.

6188 Section 186. Subsection (3) of section 267.061, Florida  
6189 Statutes, is amended to read:

6190 267.061 Historic properties; state policy,  
6191 responsibilities.—

6192 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION ~~MANAGEMENT~~  
6193 ~~SERVICES~~.—The Department of Environmental Protection ~~Management~~  
6194 ~~Services~~, in consultation with the division, shall adopt rules  
6195 for the renovation of historic properties that ~~which~~ are owned  
6196 or leased by the state. Such rules must ~~shall~~ be based on  
6197 national guidelines for historic renovation, including the  
6198 standards and guidelines for rehabilitation adopted by the  
6199 United States Secretary of the Interior.

6200 Section 187. Paragraph (b) of subsection (4) of section  
6201 267.0625, Florida Statutes, is amended to read:

6202 267.0625 Abrogation of offensive and derogatory geographic  
6203 place names.—

6204 (4) The division shall:

6205 (b) Notify the Department of Transportation, the Office of  
6206 Tourism, Trade, and Economic Development, the Department of

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6207 Environmental Protection Management Services, and any other  
6208 entity that compiles information for or develops maps or markers  
6209 for the state of the name change so that it may be reflected on  
6210 subsequent editions of any maps, informational literature, or  
6211 markers produced by those entities.

6212 Section 188. Paragraphs (a) and (c) of subsection (3) of  
6213 section 267.075, Florida Statutes, are amended to read:

6214 267.075 The Grove Advisory Council; creation; membership;  
6215 purposes.—

6216 (3) (a) The Grove Advisory Council shall be composed of  
6217 eight members, as follows:

6218 1. Five members shall be private citizens appointed by the  
6219 Secretary of State.

6220 2. One member shall be the Secretary of Environmental  
6221 Protection Management Services or a his or her designee.

6222 3. One member shall be the director of the Division of  
6223 Historical Resources of the Department of State.

6224 4. At least one member shall be a direct descendant of Mary  
6225 Call Darby Collins appointed by the Secretary of State with the  
6226 advice of the oldest living generation of lineal descendants of  
6227 Mary Call Darby Collins.

6228  
6229 Of the citizen members, at least one member must ~~shall~~ have  
6230 professional curatorial and museum expertise, one member must  
6231 ~~shall~~ have professional architectural expertise in the  
6232 preservation of historic buildings, and one member must ~~shall~~  
6233 have professional landscape expertise. The five citizen members  
6234 of the council appointed by the Secretary of State and the  
6235 member of the council who is a direct descendant of Mary Call

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6236 Darby Collins appointed by the Secretary of State shall be  
6237 appointed for staggered 4-year terms. The Secretary of State  
6238 shall fill the remainder of unexpired terms for the five citizen  
6239 members of the council and the member of the council who is a  
6240 direct descendant of Mary Call Darby Collins.

6241 (c) The council shall obtain clerical, expert, technical,  
6242 or other services from the Division of Historical Resources. The  
6243 Department of Environmental Protection ~~Management Services~~ shall  
6244 provide reasonable assistance to the Department of State in  
6245 carrying out the purposes of this section.

6246 Section 189. Subsections (1) and (2) of section 270.27,  
6247 Florida Statutes, are amended to read:

6248 270.27 Sale of unused public lands.—

6249 (1) The Department of Environmental Protection may  
6250 ~~Management Services~~ ~~is hereby authorized to~~ sell, to the best  
6251 possible advantage, any or all detached pieces or parcels of  
6252 land held by the state for the use of any institution under the  
6253 supervision and control of the department if, whenever, in the  
6254 judgment of the department, such detached pieces or parcels of  
6255 land are not suitable for, or necessary and useful in, the  
6256 operation and maintenance of the ~~such~~ institution, and the  
6257 proceeds from the sale of such land could be used to better  
6258 advantage ~~than said land~~ in the operation and maintenance of  
6259 such institution.

6260 (2) The proceeds derived from the sale of any land, as  
6261 authorized in this section, shall be deposited in the State  
6262 Treasury to the account of the Department of Environmental  
6263 Protection ~~Management Services~~ for the use of the particular  
6264 institution from the sale of whose lands the ~~said~~ funds were

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6265 derived. Such funds may be used, from time to time, by the  
6266 department for the purpose of acquiring additional lands that  
6267 may be needed for the particular institution credited with such  
6268 funds, or for needed buildings or repairs for such institution,  
6269 in the discretion of the department; and such funds, when  
6270 obtained, are hereby appropriated for such purposes.

6271 Section 190. Section 272.03, Florida Statutes, is amended  
6272 to read:

6273 272.03 Supervision of ~~Department of Management Services to~~  
6274 ~~supervise~~ Capitol Center buildings; title in state.-

6275 (1) All state buildings ~~now or hereafter constructed~~  
6276 included in the Capitol Center at the state capital and the  
6277 grounds and squares contiguous thereto are ~~shall be~~ under the  
6278 general control, custodianship, and supervision of the  
6279 Department of Environmental Protection ~~Management Services~~.

6280 (2) Title to Capitol Center ~~said~~ buildings vests ~~shall vest~~  
6281 in the state.

6282 (3) This section does not ~~Nothing herein is intended to~~  
6283 disturb or impair the contractual obligations for the discharge  
6284 of the indebtedness incurred for the construction of the Florida  
6285 Industrial Commission Building.

6286 Section 191. Section 272.04, Florida Statutes, is amended  
6287 to read:

6288 272.04 Department to allocate space.-The Department of  
6289 Environmental Protection ~~Management Services~~ shall have  
6290 ~~authority to~~ allocate space to house the various departments,  
6291 agencies, boards, and commissions in said buildings, excepting,  
6292 however, the new Supreme Court Building, for which authority is  
6293 ~~shall be~~ vested in the justices of the Supreme Court.

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6294 Section 192. Section 272.05, Florida Statutes, is amended  
6295 to read:

6296 272.05 Budgets for repair and maintenance; review.—The  
6297 Department of Environmental Protection Management Services and  
6298 the Executive Office of the Governor ~~may shall be empowered to~~  
6299 review, change, and modify the budgets of the departments,  
6300 agencies, boards, and commissions relating to the repair,  
6301 upkeep, and maintenance of said buildings.

6302 Section 193. Section 272.06, Florida Statutes, is amended  
6303 to read:

6304 272.06 Authority to contract for utility services.—The  
6305 Department of Environmental Protection Management Services may  
6306 provide or enter into contracts to provide heating, power,  
6307 lighting, cooling systems, and other necessary services or  
6308 facilities for any or all of said buildings.

6309 Section 194. Section 272.07, Florida Statutes, is amended  
6310 to read:

6311 272.07 Department may provide for parks, drives, and  
6312 walkways.—The Department of Environmental Protection Management  
6313 ~~Services~~ may provide for the establishment of parks, drives,  
6314 walkways, and parkways on said grounds and squares and for the  
6315 supervision, regulation, and maintenance of the same, including  
6316 traffic and parking thereon.

6317 Section 195. Section 272.08, Florida Statutes, is amended  
6318 to read:

6319 272.08 Duty of repair, maintenance, and supervision.—Except  
6320 when otherwise directed by the Department of Environmental  
6321 Protection Management Services, ~~the official or~~ officials now  
6322 having the duty of repair, care, maintenance, and supervision of

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6323 any of said buildings shall continue to exercise such authority.

6324 Section 196. Section 272.09, Florida Statutes, is amended  
6325 to read:

6326 272.09 Management, maintenance, and upkeep of Capitol  
6327 Center.—The management, maintenance, and upkeep of the Capitol  
6328 Center as defined in s. 272.03, are ~~hereby~~ vested in and made  
6329 the direct obligation of the Department of Environmental  
6330 Protection Management Services, which shall ~~have authority to do~~  
6331 all things necessary to satisfactorily accomplish these  
6332 functions, including the employment of a superintendent of  
6333 grounds and buildings and other employees; the establishment of  
6334 central repair and maintenance shops; and the designation or  
6335 appointment of nonsalaried advisory committees to advise with  
6336 them.

6337 Section 197. Subsection (2) of section 272.12, Florida  
6338 Statutes, is amended to read:

6339 272.12 Florida Capitol Center Planning District.—

6340 (2) The Department of Environmental Protection may  
6341 ~~Management Services is hereby authorized to purchase at fair~~  
6342 market value any lands or buildings owned by the Department of  
6343 Transportation within the Capitol Center. The Department of  
6344 Environmental Protection Management Services may use any funds  
6345 for this purpose ~~any funds~~ which are available to it at the time  
6346 of the purchase.

6347 Section 198. Subsection (1) of section 272.121, Florida  
6348 Statutes, is amended to read:

6349 272.121 Capitol Center long-range planning.—

6350 (1) The Department of Environmental Protection Management  
6351 ~~Services~~ shall develop a comprehensive and long-range plan for

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6352 the development of state-owned property within the Capitol  
6353 Center. In developing this plan, the department shall consider:  
6354 (a) The most efficient, expeditious, and economical method  
6355 of accomplishing the desired results.

6356 (b) The architectural and aesthetic coordination of the  
6357 proposed plan with the existing structures.

6358 (c) The effective utilization of all available space so as  
6359 to minimize waste.

6360 (d) The plans adopted by the local planning agencies in  
6361 Leon County.

6362 Section 199. Section 272.122, Florida Statutes, is amended  
6363 to read:

6364 272.122 Acquisition of land for state buildings and  
6365 facilities in the Capitol Center.—The Department of  
6366 Environmental Protection shall ~~Management Services~~ is hereby  
6367 ~~authorized and directed to~~ acquire both land and buildings ~~now~~  
6368 ~~needed or to be~~ needed for use, in whole or in part, by state  
6369 government or any agency, board, bureau, or commission thereof.  
6370 However, no building can be constructed or land acquired under  
6371 this section without specific legislative approval. The  
6372 acquisition of the land, buildings, and facilities may be  
6373 financed by grants, by direct appropriations, or by the issuance  
6374 of revenue bonds or certificates pledging the revenues and  
6375 rentals derived from the use of the buildings and facilities.  
6376 The department may ~~of Management Services~~ is expressly  
6377 ~~authorized to~~ issue revenue certificates to carry out the  
6378 purposes of this section. Title to any lands acquired pursuant  
6379 to this section shall be vested in the Board of Trustees of the  
6380 Internal Improvement Trust Fund for the use and benefit of the

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6381 State of Florida.

6382 Section 200. Section 272.124, Florida Statutes, is amended  
6383 to read:

6384 272.124 ~~Department of Management Services;~~ Power to  
6385 contract.—The Department of Environmental Protection may  
6386 ~~Management Services is authorized and empowered to make and~~  
6387 enter into any contract or agreement, with any person or agency,  
6388 public or private, to lease, buy, acquire, construct, hold, or  
6389 dispose of real and personal property necessary to carry out the  
6390 objects and purposes of this chapter. ~~act;~~ However, no contract  
6391 may be entered into without specific authorization of the  
6392 Legislature for the project. Lands shall be acquired by the  
6393 department in accordance with acquisition procedures for state  
6394 lands provided ~~for~~ in s. 253.025.

6395 Section 201. Subsection (3) of section 272.129, Florida  
6396 Statutes, is amended to read:

6397 272.129 Florida Historic Capitol; space allocation;  
6398 maintenance, repair, and security.—

6399 (3) Custodial and preventive maintenance and repair of the  
6400 entire Historic Capitol and the grounds located adjacent thereto  
6401 are ~~shall be~~ the responsibility of the Department of  
6402 Environmental Protection ~~Management Services~~, subject to the  
6403 special requirements of the building as determined by the  
6404 Capitol Curator.

6405 Section 202. Subsections (1) and (4) of section 272.16,  
6406 Florida Statutes, are amended to read:

6407 272.16 Parking areas within Capitol Center area.—

6408 (1) The Department of Environmental Protection ~~Management~~  
6409 ~~Services~~ may assign parking areas within the Capitol Center area

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6410 to a state agency for its own use or for reassignment to state  
6411 officers and employees employed in Tallahassee; however, parking  
6412 areas must be provided for members of the Legislature during  
6413 sessions of the Legislature, regular and extraordinary. Not more  
6414 than 15 percent of the ~~said~~ parking areas may be set aside for  
6415 the use of persons temporarily visiting or attending to business  
6416 in the Capitol Center area who reside beyond the territorial  
6417 limits of the City of Tallahassee. Any remaining portion of the  
6418 parking areas not assigned ~~as aforesaid~~ may be limited in period  
6419 of time for use. However, the department may not ~~of Management~~  
6420 ~~Services shall have no power to~~ assign parking spaces in the  
6421 legislative office buildings, nor shall those spaces and spaces  
6422 in the parking facility within the Capitol Building which are  
6423 allocated to the Legislature be included under the provisions of  
6424 this section and s. 272.161(1), except as provided in subsection  
6425 (2) of this section.

6426 (4) The Department of Environmental Protection ~~Management~~  
6427 ~~Services~~ shall adopt such rules as are necessary to carry out  
6428 the purposes of subsections (1) and (3).

6429 Section 203. Section 272.161, Florida Statutes, is amended  
6430 to read:

6431 272.161 Rental of reserved parking spaces.—

6432 (1) ~~(a)~~ The Department of Environmental Protection  
6433 ~~Management Services~~ may assign a reserved parking space to any  
6434 state employee, qualified state employee car pool, provider of  
6435 essential services to the state, or state agency for  
6436 reassignment to its employees.

6437 (a) Any state agency assigned a reserved parking space  
6438 shall charge the user of such space, except a qualified state

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6439 employee car pool, a fee in accordance with guidelines  
6440 established by the department.

6441 (b) Any state agency assigned a reserved parking space that  
6442 ~~which~~ is not rented for a ~~period of~~ 7 consecutive days shall  
6443 return such space to the department for reassignment. All state  
6444 agencies assigned reserved parking spaces must ensure ~~shall~~  
6445 ~~assure~~ the timely payment of assessed rent to the department.

6446 (c) Assignments of reserved parking spaces is ~~shall be~~  
6447 limited to the amount of available parking under the supervision  
6448 of the department. Preference in the assignment of reserved  
6449 parking spaces shall be given qualified state employee car  
6450 pools. A state agency, employee, state employee car pool, or  
6451 provider of essential services may request a reserved parking  
6452 space in a manner prescribed by the department.

6453 (2) ~~All~~ Employee parking fees are ~~shall be~~ payable by the  
6454 payroll deduction plan, periodically according to the employee's  
6455 pay schedule, to the Department of Environmental Protection  
6456 ~~Management Services~~ or to the contracting agency.

6457 (3) All fees collected by the Department of Environmental  
6458 Protection ~~Management Services~~ under ~~the provisions of~~ this  
6459 section shall be deposited in the Supervision Trust Fund. The  
6460 department shall account for the revenues and expenditures  
6461 related to the paid parking program in compliance with ~~the~~  
6462 ~~provisions of~~ s. 215.32(2)(b). The revenues collected from  
6463 parking fees shall be used for the maintenance, minor  
6464 construction, enforcement, security, and administration of  
6465 parking facilities and programs.

6466 (4) The Department of Environmental Protection ~~Management~~  
6467 ~~Services~~ shall adopt ~~such~~ rules as ~~are~~ necessary to carry out

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6468 the purposes of this section. The department shall establish  
6469 guidelines for qualifying as a state employee car pool and for  
6470 the preferential assignment of reserved spaces to car pools.

6471 (5) The Department of Environmental Protection ~~Management~~  
6472 ~~Services~~ shall establish fees on all state-owned reserved  
6473 parking spaces, except those assigned to qualified state  
6474 employee car pools, under the jurisdiction of the department.  
6475 The department shall also issue loading zone permits and  
6476 scramble parking permits for a fee sufficient to cover the cost  
6477 of administering the permits and maintaining the parking areas.

6478 (6) The Department of Environmental Protection may  
6479 ~~Management Services~~ shall have the authority to remove or tow  
6480 away, or cause to be removed or towed away, any wrongfully  
6481 parked vehicle in any assigned or reserved parking space or area  
6482 under the control of the department ~~of Management Services~~  
6483 throughout the state at the expense of the owner of the  
6484 wrongfully parked vehicle.

6485 Section 204. Paragraph (a) of subsection (1) and paragraphs  
6486 (b) and (c) of subsection (2) of section 272.18, Florida  
6487 Statutes, are amended to read:

6488 272.18 Governor's Mansion Commission.—

6489 (1) (a) ~~There is created within the Department of Management~~  
6490 ~~Services~~ A Governor's Mansion Commission ~~to be~~ composed of seven  
6491 eight members is created within the Department of Environmental  
6492 Protection. Five members shall be private citizens appointed by  
6493 the Governor and subject to confirmation by the Senate; ~~one~~  
6494 ~~member shall be the Secretary of Management Services or his or~~  
6495 ~~her designee~~; one member shall be the director of the Division  
6496 of Recreation and Parks of the Department of Environmental

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6497 Protection; and one member shall be designated by the Secretary  
6498 of State and shall be an employee of the Department of State  
6499 with curatorial and museum expertise. The Governor shall appoint  
6500 all citizen members for 4-year terms. The Governor shall fill  
6501 vacancies for the remainder of unexpired terms. The spouse of  
6502 the Governor or the designated representative of the Governor  
6503 shall be an ex officio member of the commission but shall have  
6504 no voting rights except in the case of a tie vote.

6505 (2)

6506 (b) The commission shall obtain clerical, expert,  
6507 technical, or other services from the Department of  
6508 Environmental Protection ~~Management Services as the commission~~  
6509 ~~requires~~ to carry out the purposes of this section.

6510 (c) Members of the commission shall serve without  
6511 compensation or honorarium but are ~~shall be~~ entitled to receive  
6512 reimbursement for per diem and travel expenses as provided in s.  
6513 112.061. All expenses of the commission shall be paid from  
6514 appropriations to be made by the Legislature to the Department  
6515 of Environmental Protection ~~Management Services~~ for that  
6516 purpose. The commission shall submit its budgetary requests to  
6517 the department ~~of Management Services~~ for approval and inclusion  
6518 in the legislative budget request of the department. All  
6519 vouchers must ~~shall~~ be approved by the secretary of the  
6520 department ~~of Management Services~~ before being submitted to the  
6521 Chief Financial Officer for payment.

6522 Section 205. Section 272.185, Florida Statutes, is amended  
6523 to read:

6524 272.185 Maintenance of Governor's Mansion ~~by Department of~~  
6525 ~~Management Services.~~

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6526 (1) The Department of Environmental Protection Management  
6527 ~~Services~~ shall maintain all structures, furnishings, equipment,  
6528 and grounds of the Governor's Mansion, except that the exterior  
6529 facades; the landscaping of the grounds; the antique furnishings  
6530 in the private quarters; the interiors of the state rooms; and  
6531 the articles of furniture, fixtures, and decorative objects used  
6532 or displayed in the state rooms shall be maintained pursuant to  
6533 the directives of the Governor's Mansion Commission.

6534 (2) The Department of Environmental Protection shall insure  
6535 the Governor's Mansion, its contents, and all structures and  
6536 appurtenances thereto with the State Risk Management Trust Fund  
6537 as provided in s. 284.01. The department may purchase any  
6538 necessary insurance ~~either~~ by a primary insurance contract,  
6539 excess coverage insurance, or reinsurance to cover the contents  
6540 of the mansion, whether title of the contents is in the state or  
6541 in any other person or entity not a resident of the mansion,  
6542 notwithstanding ~~the provision of~~ s. 287.025.

6543 (3) The Department of Environmental Protection ~~may shall~~  
6544 ~~have authority to~~ contract and be contracted with for work and  
6545 materials required.

6546 (4) The Department of Environmental Protection shall keep a  
6547 continuing and accurate inventory of all equipment and  
6548 furnishings.

6549 Section 206. Subsection (4) of section 273.055, Florida  
6550 Statutes, is amended to read:

6551 273.055 Disposition of state-owned tangible personal  
6552 property.—

6553 (4) Each custodian shall adopt guidelines or ~~administrative~~  
6554 ~~rules and regulations pursuant to chapter 120~~ providing for, but

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6555 not limited to, transferring, warehousing, bidding, destroying,  
6556 scrapping, or other disposing of state-owned tangible personal  
6557 property. However, ~~the~~ approval of the Department of Financial  
6558 ~~Management~~ Services is required before ~~prior to~~ the disposal of  
6559 motor vehicles, watercraft, or aircraft pursuant to ss. 287.15  
6560 and 287.16.

6561 Section 207. Section 281.02, Florida Statutes, is amended  
6562 to read:

6563 281.02 ~~Powers and duties of the Department of Management~~  
6564 ~~Services with respect to~~ Firesafety and security.—The Department  
6565 of Environmental Protection ~~Management Services~~ has the  
6566 following powers and duties with respect to firesafety and  
6567 security:

6568 (1) ~~To~~ Assist the State Fire Marshal in maintaining the  
6569 firesafety of public buildings pursuant to s. 633.085.

6570 (2) ~~To~~ Make provision by rule, contract, lease, or  
6571 interagency agreement for the security of all state-owned  
6572 property leased from the department ~~of Management Services~~,  
6573 excluding state universities and custodial institutions, the  
6574 Capitol Complex, the Governor's mansion and the grounds thereof,  
6575 and the Supreme Court. For these purposes, security includes  
6576 ~~shall include~~ the safety and security of occupants and visitors  
6577 to state-owned property, appropriate law enforcement response to  
6578 complaints relating to criminal activity or security threats,  
6579 the development of emergency procedures and evacuation routes in  
6580 the event of fire or disaster, and ensuring that such procedures  
6581 and routes are known to ~~those~~ persons occupying such property.

6582 (3) ~~To~~ Employ guards and administrative, clerical,  
6583 technical, and other personnel as may be required.

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6584 (4) ~~To~~ Train employees and make provision for the training  
6585 of agents, guards, and employees of tenant agencies in security  
6586 and emergency procedures.

6587 (5) ~~To~~ Make provision for the enforcement of rules  
6588 governing the regulation of traffic and parking on state-owned  
6589 property, including, but not limited to, issuing citations for  
6590 the violation of such rules or the traffic laws of the state or  
6591 any county or municipality and impounding illegally or  
6592 wrongfully parked vehicles.

6593 (6) ~~To~~ Delegate or assign duties and responsibilities  
6594 furthering the provision of security as required and authorized  
6595 by this section to any state agency occupying such state-owned  
6596 property. Security requirements may be included in lease  
6597 agreements or established by department rule.

6598 Section 208. Section 281.03, Florida Statutes, is amended  
6599 to read:

6600 281.03 Incident reports and record retention.—The  
6601 Department of Environmental Protection ~~Management Services~~ shall  
6602 provide ~~make provision~~ for the collection and retention of  
6603 copies of reports relating to criminal activity or other safety-  
6604 related and security-related incidents occurring on state-owned  
6605 property for use in ongoing security planning and to fulfill its  
6606 responsibilities under s. 281.02.

6607 Section 209. Section 281.06, Florida Statutes, is amended  
6608 to read:

6609 281.06 Contracts with counties, municipalities, or licensed  
6610 private security agencies.—The Department of Environmental  
6611 Protection ~~Management Services~~ may contract with any county,  
6612 municipality, or licensed private security agency to provide and

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6613 maintain the security of state-owned property, and the safety  
6614 and security of occupants and visitors thereof, pursuant to ss.  
6615 281.02-281.08 upon such terms as the department deems ~~may deem~~  
6616 to be in the best interest of the state.

6617 Section 210. Subsection (1) of section 281.07, Florida  
6618 Statutes, is amended to read:

6619 281.07 Rules; Facilities Program; traffic regulation.—

6620 (1) The Department of Environmental Protection Management  
6621 ~~Services~~ shall adopt and promulgate rules to govern the  
6622 administration, operation, and management of the Facilities  
6623 Program and to regulate traffic and parking on state-owned  
6624 property, including the Capitol Complex, which may ~~rules are~~ not  
6625 ~~in~~ conflict with any state law or county or municipal ordinance,  
6626 and to carry out the provisions of ss. 281.02-281.08.

6627 Section 211. Section 281.08, Florida Statutes, is amended  
6628 to read:

6629 281.08 Equipment.—The Department of Environmental  
6630 Protection ~~may Management Services~~ ~~is specifically authorized to~~  
6631 purchase, sell, trade, rent, lease, and maintain all necessary  
6632 equipment, motor vehicles, communication systems, housing  
6633 facilities, and office space, and perform any other acts  
6634 necessary for the proper administration of ss. 281.02-281.08,  
6635 pursuant to part I of chapter 287.

6636 Section 212. Subsection (12) of section 282.0041, Florida  
6637 Statutes, is amended to read:

6638 282.0041 Definitions.—As used in this chapter, the term:

6639 ~~(12) "Department" means the Department of Management~~  
6640 ~~Services.~~

6641 Section 213. Section 282.205, Florida Statutes, is amended

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6642 to read:

6643 282.205 Southwood Shared Resource Center.—The Southwood  
6644 Shared Resource Center is an agency established within the  
6645 Agency for Enterprise Information Technology ~~department~~ for  
6646 administrative purposes only.

6647 (1) The center is designated as a primary data center and  
6648 shall be a separate budget entity that is not subject to  
6649 control, supervision, or direction of the agency ~~department~~ in  
6650 any manner, including, but not limited to, purchasing,  
6651 transactions involving real or personal property, personnel, or  
6652 budgetary matters.

6653 (2) The center shall be headed by a board of trustees as  
6654 provided in s. 282.203, who shall comply with all requirements  
6655 of that section related to the operation of the center and with  
6656 the rules of the agency ~~for Enterprise Information Technology~~  
6657 related to the design and delivery of enterprise information  
6658 technology services.

6659 Section 214. Section 282.604, Florida Statutes, is amended  
6660 to read:

6661 282.604 Adoption of rules.—The Agency for Enterprise  
6662 Information Technology ~~Department of Management Services~~ shall,  
6663 with input from stakeholders, adopt rules ~~pursuant to ss.~~  
6664 ~~120.536(1) and 120.54~~ for the development, procurement,  
6665 maintenance, and use of accessible electronic information  
6666 technology by governmental units.

6667 Section 215. Section 282.702, Florida Statutes, is amended  
6668 to read:

6669 282.702 Powers and duties.—The Agency for Enterprise  
6670 Information Technology ~~Department of Management Services~~ shall

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6671 have the following powers, duties, and functions:

6672 (1) To publish electronically the portfolio of services  
6673 available from the department, including pricing information;  
6674 the policies and procedures of the state communications network  
6675 governing usage of available services; and a forecast of the  
6676 priorities and initiatives for the state communications system  
6677 for the ensuing 2 years.

6678 (2) To adopt technical standards for the state  
6679 communications network which will ensure the interconnection of  
6680 computer networks and information systems of agencies.

6681 (3) To enter into agreements related to information  
6682 technology with state agencies and political subdivisions of the  
6683 state.

6684 (4) To purchase from or contract with information  
6685 technology providers for information technology, including  
6686 private line services.

6687 (5) To apply for, receive, and hold such authorizations,  
6688 patents, copyrights, trademarks, service marks, licenses, and  
6689 allocations or channels and frequencies to carry out the  
6690 purposes of this part.

6691 (6) To purchase, lease, or otherwise acquire and to hold,  
6692 sell, transfer, license, or otherwise dispose of real, personal,  
6693 and intellectual property, including, but not limited to,  
6694 patents, trademarks, copyrights, and service marks.

6695 (7) To cooperate with any federal, state, or local  
6696 emergency management agency in providing for emergency  
6697 communications services.

6698 (8) To control and approve the purchase, lease, or  
6699 acquisition and the use of communications services provided as

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6700 part of any other total system to be used by the state or any of  
6701 its agencies.

6702 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~  
6703 relating to communications and to administer ~~the provisions of~~  
6704 this part.

6705 (10) To apply for and accept federal funds for any of the  
6706 purposes of this part as well as gifts and donations from  
6707 individuals, foundations, and private organizations.

6708 (11) To monitor issues relating to communications  
6709 facilities and services before the Florida Public Service  
6710 Commission and, when necessary, prepare position papers, prepare  
6711 testimony, appear as a witness, and retain witnesses on behalf  
6712 of state agencies in proceedings before the commission.

6713 (12) Unless delegated to the state agencies by the Agency  
6714 for Enterprise Information Technology department, to manage and  
6715 control, but not intercept or interpret, communications within  
6716 the SUNCOM Network by:

6717 (a) Establishing technical standards to physically  
6718 interface with the SUNCOM Network.

6719 (b) Specifying how communications are transmitted within  
6720 the SUNCOM Network.

6721 (c) Controlling the routing of communications within the  
6722 SUNCOM Network.

6723 (d) Establishing standards, policies, and procedures for  
6724 access to the SUNCOM Network.

6725 (e) Ensuring orderly and reliable communications services  
6726 in accordance with the service level agreements executed with  
6727 state agencies.

6728 (13) To plan, design, and conduct experiments for

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6729 communications services, equipment, and technologies, and to  
6730 implement enhancements in the state communications network if  
6731 ~~when~~ in the public interest and cost-effective. Funding for such  
6732 experiments shall be derived from SUNCOM Network service  
6733 revenues and may ~~shall~~ not exceed 2 percent of the annual budget  
6734 for the SUNCOM Network for any fiscal year or as provided in the  
6735 General Appropriations Act. New services offered as a result of  
6736 this subsection may ~~shall~~ not affect existing rates for  
6737 facilities or services.

6738 (14) To enter into contracts or agreements, with or without  
6739 competitive bidding or procurement, to make available, on a  
6740 fair, reasonable, and nondiscriminatory basis, property and  
6741 other structures under the Agency for Enterprise Information  
6742 Technology's ~~departmental~~ control for the placement of new  
6743 facilities by any wireless provider of mobile service as defined  
6744 in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications  
6745 company as defined in s. 364.02 if ~~when~~ it is ~~determined to be~~  
6746 practical and feasible to make such property or other structures  
6747 available. The agency ~~department~~ may, without adopting a rule,  
6748 charge a just, reasonable, and nondiscriminatory fee for the  
6749 placement of the facilities, payable annually, based on the fair  
6750 market value of space used by comparable communications  
6751 facilities in the state. The agency ~~department~~ and a wireless  
6752 provider or telecommunications company may negotiate the  
6753 reduction or elimination of a fee in consideration of services  
6754 provided to the agency ~~department~~ by the wireless provider or  
6755 telecommunications company. All such fees collected by the  
6756 department shall be deposited directly into ~~the~~ Law Enforcement  
6757 Radio ~~Operating~~ Trust Fund, and may be used by the agency

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6758 ~~department~~ to construct, maintain, or support the system.

6759 Section 216. Section 282.703, Florida Statutes, is amended  
6760 to read:

6761 282.703 SUNCOM Network; exemptions from the required use.-

6762 (1) ~~There is created within the department~~ The SUNCOM  
6763 Network is created within the Agency for Enterprise Information  
6764 Technology as, ~~which shall be developed to serve as the state~~  
6765 ~~communications system for providing local and long-distance~~  
6766 ~~communications services to state agencies, political~~  
6767 ~~subdivisions of the state, municipalities, state universities,~~  
6768 ~~and nonprofit corporations pursuant to this part. The SUNCOM~~  
6769 ~~Network shall be developed to transmit all types of~~  
6770 ~~communications signals, including, but not limited to, voice,~~  
6771 ~~data, video, image, and radio. State agencies shall cooperate~~  
6772 ~~and assist in the development and joint use of communications~~  
6773 ~~systems and services.~~

6774 (2) The agency ~~department~~ shall design, engineer,  
6775 implement, manage, and operate through state ownership,  
6776 commercial leasing, or some combination thereof, the facilities  
6777 and equipment providing SUNCOM Network services, and shall  
6778 develop a system of equitable billings and charges for  
6779 communication services.

6780 (3) All state agencies and state universities shall use the  
6781 SUNCOM Network for agency and state university communications  
6782 services as the services become available; however, no agency or  
6783 university is relieved of responsibility for maintaining  
6784 communications services necessary for effective management of  
6785 its programs and functions. If a SUNCOM Network service does not  
6786 meet the communications requirements of an agency or university,

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6787 the agency or university shall notify the Agency for Enterprise  
6788 Information Technology ~~department~~ in writing and detail the  
6789 requirements for that communications service. If the agency  
6790 ~~department~~ is unable to meet an agency's or university's  
6791 requirements by enhancing SUNCOM Network service, the agency  
6792 ~~department~~ may grant the agency or university an exemption from  
6793 the required use of specified SUNCOM Network services.

6794 Section 217. Section 282.704, Florida Statutes, is amended  
6795 to read:

6796 282.704 Use of state SUNCOM Network by municipalities.—Any  
6797 municipality may request the Agency for Enterprise Information  
6798 Technology ~~department~~ to provide any or all of the SUNCOM  
6799 Network's portfolio of communications services upon such terms  
6800 and conditions as the agency ~~department~~ may establish. The  
6801 requesting municipality shall pay its share of installation and  
6802 recurring costs according to the published rates for SUNCOM  
6803 Network services and as invoiced by the agency ~~department~~. Such  
6804 municipality shall also pay for any requested modifications to  
6805 existing SUNCOM Network services, if any charges apply.

6806 Section 218. Section 282.705, Florida Statutes, is amended  
6807 to read:

6808 282.705 Use of state SUNCOM Network by nonprofit  
6809 corporations.—

6810 (1) The Agency for Enterprise Information Technology  
6811 ~~department~~ shall provide a means whereby private nonprofit  
6812 corporations under contract with state agencies or political  
6813 subdivisions of the state may use the state SUNCOM Network,  
6814 subject to the limitations in this section. In order to qualify  
6815 to use the state SUNCOM Network, a nonprofit corporation shall:

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6816 (a) Expend the majority of its total direct revenues for  
6817 the provision of contractual services to the state, a  
6818 municipality, or a political subdivision; and

6819 (b) Receive only a small portion of its total revenues from  
6820 any source other than a state agency, a municipality, or a  
6821 political subdivision during the time SUNCOM Network services  
6822 are requested.

6823 (2) Each nonprofit corporation seeking authorization to use  
6824 the state SUNCOM Network shall provide to the agency ~~department~~,  
6825 upon request, proof of compliance with subsection (1).

6826 (3) Nonprofit corporations established pursuant to general  
6827 law and an association of municipal governments which is wholly  
6828 owned by the municipalities are eligible to use the state SUNCOM  
6829 Network, subject to the terms and conditions of the agency  
6830 ~~department~~.

6831 (4) Institutions qualified to participate in the William L.  
6832 Boyd, IV, Florida Resident Access Grant Program pursuant to s.  
6833 1009.89 may ~~are eligible to~~ use the state SUNCOM Network,  
6834 subject to the terms and conditions of the agency ~~department~~.  
6835 Such entities are not required to satisfy the other criteria of  
6836 this section.

6837 (5) Private, nonprofit elementary and secondary schools are  
6838 eligible for rates and services on the same basis as public  
6839 schools if such schools do not have an endowment in excess of  
6840 \$50 million.

6841 Section 219. Section 282.706, Florida Statutes, is amended  
6842 to read:

6843 282.706 Use of SUNCOM Network by libraries.—The Agency for  
6844 Enterprise Information Technology ~~department~~ may provide SUNCOM

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6845 Network services to any library in the state, including  
6846 libraries in public schools, community colleges, state  
6847 universities, and nonprofit private postsecondary educational  
6848 institutions, and libraries owned and operated by municipalities  
6849 and political subdivisions.

6850 Section 220. Section 282.707, Florida Statutes, is amended  
6851 to read:

6852 282.707 SUNCOM Network; criteria for usage.—

6853 (1) The Agency for Enterprise Information Technology  
6854 ~~department~~ shall periodically review the qualifications of  
6855 subscribers using the state SUNCOM Network and ~~shall~~ terminate  
6856 services provided to any facility not qualified under this part  
6857 or rules adopted hereunder. In the event of nonpayment of  
6858 invoices by subscribers whose SUNCOM Network invoices are paid  
6859 from sources other than legislative appropriations, such  
6860 nonpayment represents good and sufficient reason to terminate  
6861 service.

6862 (2) The agency ~~department~~ shall adopt rules for  
6863 implementing and operating the state SUNCOM Network, which  
6864 include procedures for withdrawing and restoring authorization  
6865 to use the state SUNCOM Network. Such rules must ~~shall~~ provide a  
6866 minimum of 30 days' notice to affected parties before  
6867 terminating voice communications service.

6868 (3) This section does not limit or restrict the ability of  
6869 the Florida Public Service Commission to set jurisdictional  
6870 tariffs of telecommunications companies.

6871 Section 221. Section 282.709, Florida Statutes, is amended  
6872 to read:

6873 282.709 State agency law enforcement radio system and

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6874 interoperability network.—

6875 (1) The Department of Law Enforcement may acquire and  
6876 administer a statewide radio communications system to serve law  
6877 enforcement units of state agencies, and to serve local law  
6878 enforcement agencies through mutual aid channels.

6879 (a) The department shall, in conjunction with the Agency  
6880 for Enterprise Information Technology ~~Department of Law~~  
6881 ~~Enforcement~~ and the Division of Emergency Management of the  
6882 Department of Community Affairs, establish policies, procedures,  
6883 and standards to be incorporated into a comprehensive management  
6884 plan for the use and operation of the statewide radio  
6885 communications system.

6886 (b) The department shall bear the overall responsibility  
6887 for the design, engineering, acquisition, and implementation of  
6888 the statewide radio communications system and for ensuring the  
6889 proper operation and maintenance of all common system equipment.

6890 (c)1. The department may rent or lease space on any tower  
6891 under its control and refuse to lease space on any tower at any  
6892 site.

6893 2. The department may rent, lease, or sublease ground space  
6894 as necessary to locate equipment to support antennae on the  
6895 towers. The costs for the use of such space shall be established  
6896 by the department for each site if it is determined to be  
6897 practicable and feasible to make space available.

6898 3. The department may rent, lease, or sublease ground space  
6899 on lands acquired by the department for the construction of  
6900 privately owned or publicly owned towers. The department may, as  
6901 a part of such rental, lease, or sublease agreement, require  
6902 space on such towers for antennae as necessary for the

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6903 construction and operation of the state agency law enforcement  
6904 radio system or any other state need.

6905 4. All moneys collected by the department for rents,  
6906 leases, and subleases under this subsection shall be deposited  
6907 directly into the ~~State Agency Law Enforcement Radio System~~  
6908 Trust Fund established in subsection (3) and may be used by the  
6909 department to construct, maintain, or support the system.

6910 5. The positions necessary for the department to accomplish  
6911 its duties under this subsection shall be established in the  
6912 General Appropriations Act and funded by the Law Enforcement  
6913 Radio ~~Operating~~ Trust Fund or other revenue sources.

6914 (d) The department shall exercise its powers and duties  
6915 under this part to plan, manage, and administer the mutual aid  
6916 channels in the statewide radio communication system.

6917 1. In implementing such powers and duties, the department  
6918 shall consult and act in conjunction with the Department of Law  
6919 Enforcement and the Division of Emergency Management of the  
6920 Department of Community Affairs, and shall manage and administer  
6921 the mutual aid channels in a manner that reasonably addresses  
6922 the needs and concerns of the involved law enforcement agencies  
6923 and emergency response agencies and entities.

6924 2. The department may make the mutual aid channels  
6925 available to federal agencies, state agencies, and agencies of  
6926 the political subdivisions of the state for the purpose of  
6927 public safety and domestic security.

6928 (e) The department may allow other state agencies to use  
6929 the statewide radio communications system under terms and  
6930 conditions established by the department.

6931 (2) The Joint Task Force on State Agency Law Enforcement

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6932 Communications is created adjunct to the department to advise  
6933 the department of member-agency needs relating to the planning,  
6934 designing, and establishment of the statewide communication  
6935 system.

6936 (a) The Joint Task Force on State Agency Law Enforcement  
6937 Communications shall consist of eight members, as follows:

6938 1. A representative of the Division of Alcoholic Beverages  
6939 and Tobacco of the Department of Business and Professional  
6940 Regulation who shall be appointed by the secretary of the  
6941 department.

6942 2. A representative of the Division of Florida Highway  
6943 Patrol of the Department of Highway Safety and Motor Vehicles  
6944 who shall be appointed by the executive director of the  
6945 department.

6946 3. A representative of the Department of Law Enforcement  
6947 who shall be appointed by the executive director of the  
6948 department.

6949 4. A representative of the Fish and Wildlife Conservation  
6950 Commission who shall be appointed by the executive director of  
6951 the commission.

6952 5. A representative of the Division of Law Enforcement of  
6953 the Department of Environmental Protection who shall be  
6954 appointed by the secretary of the department.

6955 6. A representative of the Department of Corrections who  
6956 shall be appointed by the secretary of the department.

6957 7. A representative of the Division of State Fire Marshal  
6958 of the Department of Financial Services who shall be appointed  
6959 by the State Fire Marshal.

6960 8. A representative of the Department of Transportation who

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6961 shall be appointed by the secretary of the department.

6962 (b) Each appointed member of the joint task force shall  
6963 serve at the pleasure of the appointing official. Any vacancy on  
6964 the joint task force shall be filled in the same manner as the  
6965 original appointment. A joint task force member may, upon  
6966 notification to the chair before the beginning of any scheduled  
6967 meeting, appoint an alternative to represent the member on the  
6968 task force and vote on task force business in his or her  
6969 absence.

6970 (c) The joint task force shall elect a chair from among its  
6971 members to serve a 1-year term. A vacancy in the chair of the  
6972 joint task force must be filled for the remainder of the  
6973 unexpired term by an election of the joint task force members.

6974 (d) The joint task force shall meet as necessary, but at  
6975 least quarterly, at the call of the chair and at the time and  
6976 place designated by him or her.

6977 (e) The per diem and travel expenses incurred by a member  
6978 of the joint task force in attending its meetings and in  
6979 attending to its affairs shall be paid pursuant to s. 112.061,  
6980 from funds budgeted to the state agency that the member  
6981 represents.

6982 (f) The department shall provide technical support to the  
6983 joint task force.

6984 (3) The ~~State Agency~~ Law Enforcement Radio ~~System~~ Trust  
6985 Fund is established in the department and funded from surcharges  
6986 collected under ss. 318.18, 320.0802, and 328.72. Upon  
6987 appropriation, moneys in the trust fund may be used by the  
6988 department to acquire by competitive procurement the equipment,  
6989 software, and engineering, administrative, and maintenance

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6990 services it needs to construct, operate, and maintain the  
6991 statewide radio system. Moneys in the trust fund collected as a  
6992 result of the surcharges set forth in ss. 318.18, 320.0802, and  
6993 328.72 shall be used to help fund the costs of the system. Upon  
6994 completion of the system, moneys in the trust fund may also be  
6995 used by the department for payment of the recurring maintenance  
6996 costs of the system.

6997 (4) The department may create and administer an  
6998 interoperability network to enable interoperability between  
6999 various radio communications technologies and to serve federal  
7000 agencies, state agencies, and agencies of political subdivisions  
7001 of the state for the purpose of public safety and domestic  
7002 security.

7003 (a) The department shall, in conjunction with the  
7004 Department of Law Enforcement and the Division of Emergency  
7005 Management of the Department of Community Affairs, exercise its  
7006 powers and duties pursuant to this chapter to plan, manage, and  
7007 administer the interoperability network. The office may:

7008 1. Enter into mutual aid agreements among federal agencies,  
7009 state agencies, and political subdivisions of the state for the  
7010 use of the interoperability network.

7011 2. Establish the cost of maintenance and operation of the  
7012 interoperability network and charge subscribing federal and  
7013 local law enforcement agencies for access and use of the  
7014 network. The department may not charge state law enforcement  
7015 agencies identified in paragraph (2) (a) to use the network.

7016 3. In consultation with the ~~Department of Law Enforcement~~  
7017 ~~and the~~ Division of Emergency Management of the Department of  
7018 Community Affairs, amend and enhance the statewide radio

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7019 communications system as necessary to implement the  
7020 interoperability network.

7021 (b) The department, in consultation with the Joint Task  
7022 Force on State Agency Law Enforcement Communications, and in  
7023 conjunction with ~~the Department of Law Enforcement and the~~  
7024 Division of Emergency Management of the Department of Community  
7025 Affairs, shall establish policies, procedures, and standards to  
7026 incorporate into a comprehensive management plan for the use and  
7027 operation of the interoperability network.

7028 Section 222. Section 282.7101, Florida Statutes, is amended  
7029 to read:

7030 282.7101 Statewide system of regional law enforcement  
7031 communications.—

7032 (1) It is the intent and purpose of the Legislature that a  
7033 statewide system of regional law enforcement communications be  
7034 developed whereby maximum efficiency in the use of existing  
7035 radio channels is achieved in order to deal more effectively  
7036 with the apprehension of criminals and the prevention of crime.  
7037 To this end, all law enforcement agencies within the state are  
7038 directed to provide the Department of Law Enforcement with any  
7039 information the department requests for the purpose of  
7040 implementing the provisions of subsection (2).

7041 (2) The Department of Law Enforcement shall ~~is hereby~~  
7042 ~~authorized and directed to~~ develop and maintain a statewide  
7043 system of regional law enforcement communications. In  
7044 formulating such a system, the department shall divide the state  
7045 into appropriate regions and shall develop a program that  
7046 includes, but is not limited to:

7047 (a) The communications requirements for each county and

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7048 municipality comprising the region.

7049 (b) An interagency communications provision that depicts  
7050 the communication interfaces between municipal, county, and  
7051 state law enforcement entities operating within the region.

7052 (c) A frequency allocation and use provision that includes,  
7053 on an entity basis, each assigned and planned radio channel and  
7054 the type of operation, simplex, duplex, or half-duplex, on each  
7055 channel.

7056 (3) The department shall adopt ~~any~~ necessary rules and  
7057 ~~regulations~~ for administering and coordinating the statewide  
7058 system of regional law enforcement communications.

7059 (4) The executive director ~~secretary~~ of the department or a  
7060 ~~his or her~~ designee shall be ~~is designated~~ as the director of  
7061 the statewide system of regional law enforcement communications  
7062 and, for the purpose of carrying out the provisions of this  
7063 section, may coordinate the activities of the system with other  
7064 interested state agencies and local law enforcement agencies.

7065 (5) A law enforcement communications system may not be  
7066 established or expanded without the prior approval of the  
7067 department.

7068 ~~(6) Within the limits of its capability, the Department of~~  
7069 ~~Law Enforcement is encouraged to lend assistance to the~~  
7070 ~~department in the development of the statewide system of~~  
7071 ~~regional law enforcement communications proposed by this~~  
7072 ~~section.~~

7073 Section 223. Section 282.711, Florida Statutes, is amended  
7074 to read:

7075 282.711 Remote electronic access services.—The Agency for  
7076 Enterprise Information Technology ~~department~~ may collect fees

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7077 for providing remote electronic access pursuant to s. 119.07(2).  
7078 The fees may be imposed on individual transactions or as a fixed  
7079 subscription for a designated period of time. All fees collected  
7080 under this section shall be deposited in the appropriate trust  
7081 fund of the program or activity that made the remote electronic  
7082 access available.

7083 Section 224. Subsections (2) through (6) of section 283.30,  
7084 Florida Statutes, are amended to read:

7085 283.30 Definitions.—As used in this part, unless the  
7086 context clearly requires otherwise, the term:

7087 ~~(2) "Department" means the Department of Management~~  
7088 ~~Services.~~

7089 (2)~~(3)~~ "Duplicating" means the process of reproducing an  
7090 image or images from an original to a final substrate through  
7091 the electrophotographic, xerographic, laser, or offset process  
7092 or any combination of these processes, by which an operator can  
7093 make more than one copy without rehandling the original.

7094 (3)~~(4)~~ "Printing" means is the transfer of an image or  
7095 images by the use of ink or similar substance from an original  
7096 image to the final substrate through the process of letterpress,  
7097 offset lithography, gravure, screen printing, or engraving.  
7098 Printing includes shall include the process of and the materials  
7099 used in binding. Printing ~~shall~~ also includes include  
7100 duplicating when used to produce publications.

7101 (4) (5) "Public" means those entities and persons other than  
7102 subordinate and functionally related or connected federal,  
7103 state, or local governmental agencies.

7104 (5)~~(6)~~ "Publication" means any document, whether produced  
7105 for public or internal distribution.

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7106 Section 225. Subsection (3) of section 283.32, Florida  
7107 Statutes, is amended to read:

7108 283.32 Recycled paper to be used by each agency; printing  
7109 bids certifying use of recycled paper; percentage preference in  
7110 awarding contracts.—

7111 (3) Upon the evaluation of bids for each printing contract,  
7112 the agency shall identify the lowest responsive bid and any  
7113 other responsive bids in which it has been certified that the  
7114 materials used in printing contain at least the minimum  
7115 percentage of recycled content that is set forth by the  
7116 Department of Financial Services. In awarding a contract for  
7117 printing, the agency may allow up to a 10-percent price  
7118 preference, as provided in s. 287.045, to a responsible and  
7119 responsive vendor that has certified that the materials used in  
7120 printing contain at least the minimum percentage of recycled  
7121 content established by the department. If no vendors offer  
7122 materials for printing that contain the minimum prescribed  
7123 recycled content, the contract shall be awarded to the  
7124 responsible vendor that submits the lowest responsive bid.

7125 Section 226. Subsection (2) of section 284.01, Florida  
7126 Statutes, is amended to read:

7127 284.01 State Risk Management Trust Fund; coverages to be  
7128 provided.—

7129 (2) The fund shall insure all buildings, whether financed  
7130 in whole or in part by revenue bonds or certificates, and the  
7131 contents thereof or of any other buildings leased or rented by  
7132 the state. For the purpose of this section, all manufactured  
7133 homes and contents, whether permanently affixed to realty or  
7134 otherwise, are included. Rental value insurance shall also be

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7135 provided to indemnify the state or any of its agencies for loss  
7136 of income if ~~when such~~ rental income insurance is required to be  
7137 carried by the terms of any bonding or revenue certificates or  
7138 resolutions. Rental value insurance must ~~shall~~ also be provided  
7139 to indemnify the state or any of its agencies for loss of income  
7140 from those buildings operated and maintained by the Department  
7141 of Environmental Protection Management Services from the  
7142 Supervision Trust Fund.

7143 Section 227. Section 284.04, Florida Statutes, is amended  
7144 to read:

7145 284.04 ~~Notice and information required by Department of~~  
7146 ~~Financial Services of all~~ Newly erected or acquired state  
7147 property subject to insurance.—The Department of Environmental  
7148 Protection Management Services and all agencies in charge of  
7149 state property shall notify the Department of Financial Services  
7150 of all newly erected or acquired property subject to coverage as  
7151 soon as erected or acquired, giving its value, type of  
7152 construction, location, whether inside or outside of corporate  
7153 limits, occupancy, and any other information the Department of  
7154 Financial Services may require in connection with such property.  
7155 Such department or agency shall also immediately notify the  
7156 Department of Financial Services ~~immediately~~ of any change in  
7157 value or occupancy of any property covered by the fund. Unless  
7158 the above data is submitted in writing within a reasonable time  
7159 following such erection, acquisition, or change, the Department  
7160 of Financial Services shall provide insurance coverage to the  
7161 extent shown by the last notification in writing to the fund or  
7162 in accordance with the last valuation shown by fund records. In  
7163 case of disagreement between the Department of Financial

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7164 Services and the agency or person in charge of any covered state  
7165 property as to its true value, the amount of the insurance to be  
7166 carried ~~thereon~~, the proper premium rate or rates, or amount of  
7167 loss settlement, the matter in disagreement shall be determined  
7168 by the Department of Environmental Protection Management  
7169 ~~Services~~.

7170 Section 228. Section 284.05, Florida Statutes, is amended  
7171 to read:

7172 284.05 Inspection of insured state property.—The Department  
7173 of Financial Services shall inspect all permanent buildings  
7174 insured by the State Risk Management Trust Fund, and whenever  
7175 ~~conditions are found to exist which~~, in the opinion of the  
7176 Department of Financial Services, conditions are found to exist  
7177 which are hazardous from the standpoint of destruction by fire  
7178 or other loss, the department ~~of Financial Services~~ may order  
7179 the same repaired or remedied, and the agency, board, or person  
7180 in charge of such property must immediately repair or remedy is  
7181 ~~required to have such dangerous conditions immediately repaired~~  
7182 ~~or remedied~~ upon written notice from the department ~~of Financial~~  
7183 ~~Services~~ of the such hazardous conditions. Such amounts as may  
7184 be necessary to comply with such notice or notices shall be paid  
7185 by the Department of Environmental Protection Management  
7186 ~~Services~~ or by the agency, board, or person in charge of such  
7187 property out of any moneys appropriated for the maintenance of  
7188 the respective agency or for the repairs or permanent  
7189 improvement of such properties or from any incidental or  
7190 contingent funds they may have on hand. If there is ~~In the event~~  
7191 ~~of~~ a disagreement between the Department of Financial Services  
7192 and the agency, board, or person having charge of such property

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7193 as to the necessity of the repairs or remedies ordered, the  
7194 matter in disagreement shall be determined by the Department of  
7195 Environmental Protection Management Services.

7196 Section 229. Section 284.08, Florida Statutes, is amended  
7197 to read:

7198 284.08 Reinsurance on excess coverage ~~and approval by~~  
7199 ~~Department of Management Services.~~—The Department of Financial  
7200 Services shall determine what excess coverage is necessary and  
7201 may purchase reinsurance ~~thereon upon approval by the Department~~  
7202 ~~of Management Services.~~

7203 Section 230. Subsection (1) of section 284.33, Florida  
7204 Statutes, is amended to read:

7205 284.33 Purchase of insurance, reinsurance, and services.—

7206 (1) The Department of Financial Services shall ~~is~~  
7207 ~~authorized to~~ provide insurance, specific excess insurance, and  
7208 aggregate excess insurance ~~through the Department of Management~~  
7209 ~~Services,~~ pursuant to ~~the provisions of~~ part I of chapter 287,  
7210 as necessary to provide insurance coverages authorized by this  
7211 part, consistent with market availability. ~~However,~~ The  
7212 department ~~of Financial Services~~ may directly purchase annuities  
7213 by using a structured settlement insurance consulting firm  
7214 ~~selected by the department~~ to assist in the settlement of claims  
7215 being handled by the Division of Risk Management. The selection  
7216 of the structured settlement insurance services consultant shall  
7217 be made by using competitive sealed proposals. The consulting  
7218 firm shall act as an agent of record for the department in  
7219 procuring the best annuity products available to facilitate  
7220 structured settlement of claims, considering price, insurer  
7221 financial strength, and the best interests of the state risk

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7222 management program. Purchase of annuities by the department  
7223 using a structured settlement method is excepted from  
7224 competitive sealed bidding or proposal requirements. The  
7225 department may also ~~of Financial Services is further authorized~~  
7226 ~~to~~ purchase ~~such~~ risk management services, including, but not  
7227 limited to, risk and claims control; safety management; and  
7228 legal, investigative, and adjustment services, as ~~may be~~  
7229 required and pay claims. The department may contract with a  
7230 service organization for such services and advance money to such  
7231 ~~service~~ organization for deposit in a special checking account  
7232 for paying claims made against the state under ~~the provisions of~~  
7233 this part. The special checking account shall be maintained in  
7234 this state in a bank or savings association organized under the  
7235 laws of this state or of the United States. The department may  
7236 replenish such account as often as necessary upon the  
7237 presentation by the service organization of documentation for  
7238 payments of claims equal to the amount of the requested  
7239 reimbursement.

7240 Section 231. Section 284.385, Florida Statutes, is amended  
7241 to read:

7242 284.385 Reporting and handling of claims.—All departments  
7243 covered by the State Risk Management Trust Fund under this part  
7244 shall immediately report all known or potential claims to the  
7245 Department of Financial Services for handling, except employment  
7246 complaints which have not been filed with the Florida Human  
7247 Relations Commission, Equal Employment Opportunity Commission,  
7248 or any similar agency. If ~~When~~ deemed necessary, the Department  
7249 of Financial Services shall assign or reassign the claim to  
7250 counsel. The assigned counsel shall report regularly to the

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7251 Department of Financial Services or to the covered department on  
7252 the status of any such claims or litigation as required by the  
7253 Department of Financial Services. A No such claim may not shall  
7254 be compromised or settled for monetary compensation without the  
7255 prior approval of the Department of Financial Services and prior  
7256 notification to the covered department. All departments shall  
7257 cooperate with the Department of Financial Services in its  
7258 handling of claims. The Department of Financial Services ~~and the~~  
7259 ~~Department of Management Services~~, with the cooperation of the  
7260 state attorneys and the clerks of the courts, shall develop a  
7261 system to coordinate the exchange of information concerning  
7262 claims for and against the state, its agencies, and its  
7263 subdivisions, to assist in collection of amounts due to them.  
7264 The covered department shall have the responsibility for the  
7265 settlement of any claim for injunctive or affirmative relief  
7266 under 42 U.S.C. s. 1983 or similar federal or state statutes.  
7267 The payment of a settlement or judgment for any claim covered  
7268 and reported under this part shall be made only from the State  
7269 Risk Management Trust Fund.

7270 Section 232. Section 284.42, Florida Statutes, is amended  
7271 to read:

7272 284.42 Reports on state insurance program.—

7273 (1) The Department of Financial Services, ~~with the~~  
7274 ~~Department of Management Services~~, shall make an analysis of the  
7275 state insurance program annually, which includes ~~shall include~~:

7276 (a) Complete underwriting information as to the nature of  
7277 the risks accepted for self-insurance and those risks that are  
7278 transferred to the insurance market.

7279 (b) The funds allocated to the Florida Casualty Risk

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7280 Management Trust Fund and premiums paid for insurance through  
7281 the market.

7282 (c) The method of handling legal matters and the cost  
7283 allocated.

7284 (d) The method and cost of handling inspection and  
7285 engineering of risks.

7286 (e) The cost of risk management service purchased.

7287 (f) The cost of managing the State Insurance Program by the  
7288 Department of Financial Services ~~and the Department of~~  
7289 ~~Management Services.~~

7290 (2) The department ~~departments~~ shall make available  
7291 complete claims history including description of loss, claims  
7292 paid and reserved, and the cost of all claims handled by the  
7293 state.

7294 Section 233. Section 285.06, Florida Statutes, is amended  
7295 to read:

7296 285.06 State Indian Reservation.—If ~~When~~, as the result of  
7297 the exchanges provided ~~for~~ in ss. 285.04 and 285.05, ~~there shall~~  
7298 ~~have been established~~ a reservation that has been established  
7299 for the Indians by the United States in Florida, the State  
7300 Seminole Indian Reservation in Monroe County, created by chapter  
7301 7310, Acts of 1917, is ~~shall be~~ withdrawn and returned to the  
7302 Board of Trustees of the Internal Improvement Trust Fund, ~~and~~  
7303 ~~thereupon~~ the board of trustees ~~of the Internal Improvement~~  
7304 ~~Trust Fund~~ shall set aside a tract of land of approximately  
7305 equal size and of suitable character, adjacently located, as  
7306 nearly as may be, to the reservation ~~to be~~ established by the  
7307 United States; and said lands, when so set aside, shall  
7308 constitute the State Indian Reservation and shall be held in

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7309 trust by the Department of Environmental Protection ~~Management~~  
7310 ~~Services~~ for the perpetual benefit of the Indians and as a  
7311 reservation for them.

7312 Section 234. Subsection (4) of section 285.14, Florida  
7313 Statutes, is amended to read:

7314 285.14 Board of Trustees of the Internal Improvement Trust  
7315 Fund as trustee to accept donations of and acquire property for  
7316 Indians.—

7317 (4) The Department of Environmental Protection ~~Management~~  
7318 ~~Services~~, the State Board of Education, and any other state  
7319 board or agency having title to lands or having lands under  
7320 their jurisdiction, management, or control, may ~~in their~~  
7321 ~~discretion~~ convey and transfer to the board of trustees the  
7322 title to such ~~any of said~~ lands in trust for the use and benefit  
7323 of said Indians.

7324 Section 235. Subsections (1) and (3) of section 286.29,  
7325 Florida Statutes, are amended to read:

7326 286.29 Climate-friendly public business.—The Legislature  
7327 recognizes the importance of leadership by state government in  
7328 the area of energy efficiency and in reducing the greenhouse gas  
7329 emissions of state government operations. The following shall  
7330 pertain to all state agencies when conducting public business:

7331 (1) The Department of Financial ~~Management~~ Services shall  
7332 develop the "Florida Climate-Friendly Preferred Products List."  
7333 In maintaining that list, the department, in consultation with  
7334 the Department of Environmental Protection, shall continually  
7335 assess products currently available for purchase under state  
7336 term contracts to identify specific products and vendors that  
7337 offer clear energy efficiency or other environmental benefits

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7338 over competing products. When procuring products from state term  
7339 contracts, state agencies shall first consult the Florida  
7340 Climate-Friendly Preferred Products List and procure such  
7341 products if the price is comparable.

7342 (3) Each state agency shall ensure that all maintained  
7343 vehicles meet minimum maintenance schedules shown to reduce fuel  
7344 consumption, which include: ensuring appropriate tire pressures  
7345 and tread depth; replacing fuel filters and emission filters at  
7346 recommended intervals; using proper motor oils; and performing  
7347 timely motor maintenance. Each state agency shall measure and  
7348 report compliance to the Department of Financial Management  
7349 Services through the Equipment Management Information System  
7350 database.

7351 Section 236. Subsections (10) and (19) of section 287.012,  
7352 Florida Statutes, are amended to read:

7353 287.012 Definitions.—As used in this part, the term:

7354 (10) "Department" means the Department of Financial  
7355 ~~Management~~ Services.

7356 (19) "Office" means the Office of Supplier Diversity in ~~of~~  
7357 the department ~~of Management Services~~.

7358 Section 237. Subsection (4) of section 287.025, Florida  
7359 Statutes, is amended to read:

7360 287.025 Prohibition against certain insurance coverage on  
7361 specified state property or insurable subjects.—

7362 (4) No primary insurance contracts shall be purchased on  
7363 any property or insurable subjects when the same is loaned to,  
7364 leased by, or intended to be leased by, the state or its  
7365 departments, divisions, bureaus, commissions, or agencies unless  
7366 such coverage is required by the terms of the lease agreement

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7367 and unless the insurance coverages required by the provisions of  
7368 the lease are approved in writing by the Department of Financial  
7369 ~~Management~~ Services.

7370 Section 238. Section 287.032, Florida Statutes, is amended  
7371 to read:

7372 287.032 Purpose of department.—~~It shall be~~ The purpose of  
7373 the Department of Financial Management Services under this  
7374 chapter is to:

7375 (1) ~~To~~ Promote efficiency, economy, and the conservation of  
7376 energy and to effect coordination in the purchase of commodities  
7377 and contractual services for the state.

7378 (2) ~~To~~ Provide uniform commodity and contractual service  
7379 procurement policies, rules, procedures, and forms for use by  
7380 agencies and eligible users.

7381 (3) ~~To~~ Procure and distribute federal surplus tangible  
7382 personal property allocated to the state by the Federal  
7383 Government.

7384 Section 239. Paragraph (h) of subsection (1), paragraph (b)  
7385 of subsection (2), and subsection (8) of section 287.042,  
7386 Florida Statutes, are amended to read:

7387 287.042 Powers, duties, and functions.—The department shall  
7388 have the following powers, duties, and functions:

7389 (1)

7390 (h) The department may collect fees for the use of its  
7391 electronic information services. The fees may be imposed on an  
7392 individual transaction basis or as a fixed subscription for a  
7393 designated period of time. At a minimum, the fees shall be  
7394 determined in an amount sufficient to cover the department's  
7395 projected costs of the services, including overhead in

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7396 accordance with the department's policies ~~of the Department of~~  
7397 ~~Management Services~~ for computing its administrative assessment.  
7398 All fees collected under this paragraph shall be deposited in  
7399 the Operating Trust Fund for disbursement as provided by law.

7400 (2)

7401 (b) As an alternative to any provision in s. 120.57(3)(c),  
7402 the department may proceed with the competitive solicitation or  
7403 contract award process of a term contract if the Chief Financial  
7404 Officer ~~when the secretary of the department or a his or her~~  
7405 designee sets forth in writing particular facts and  
7406 circumstances that ~~which~~ demonstrate that the delay incident to  
7407 staying the solicitation or contract award process would be  
7408 detrimental to the interests of the state. After the award of a  
7409 contract resulting from a competitive solicitation in which a  
7410 timely protest was received and in which the state did not  
7411 prevail, the contract may be canceled and reawarded.

7412 (8) To provide any commodity and contractual service  
7413 purchasing rules to ~~the Chief Financial Officer and~~ all agencies  
7414 through an electronic medium or other means. Agencies may not  
7415 approve any account or request any payment of any account for  
7416 the purchase of any commodity or the procurement of any  
7417 contractual service covered by a purchasing or contractual  
7418 service rule except as authorized therein. The department shall  
7419 furnish copies of department rules ~~adopted by the department~~ to  
7420 any county, municipality, or other local public agency  
7421 requesting them.

7422 Section 240. Subsections (7) and (8) and paragraph (c) of  
7423 subsection (9) of section 287.055, Florida Statutes, are amended  
7424 to read:

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7425           287.055 Acquisition of professional architectural,  
7426 engineering, landscape architectural, or surveying and mapping  
7427 services; definitions; procedures; contingent fees prohibited;  
7428 penalties.—

7429           (7) AUTHORITY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION  
7430 ~~MANAGEMENT SERVICES~~.—Notwithstanding any other provision of this  
7431 section, the Department of Environmental Protection Management  
7432 ~~Services~~ shall be the agency of state government which is solely  
7433 and exclusively authorized and empowered to administer and  
7434 perform the functions described in subsections (3), (4), and (5)  
7435 respecting all projects for which the funds necessary to  
7436 complete same are appropriated to the department of ~~Management~~  
7437 ~~Services~~, irrespective of whether such projects are intended for  
7438 the use and benefit of the department of ~~Management Services~~ or  
7439 any other agency of government. However, nothing herein shall be  
7440 construed to be in derogation of any authority conferred on the  
7441 Department of Environmental Protection Management Services by  
7442 other express provisions of law. Additionally, any agency of  
7443 government may, with the approval of the department of  
7444 ~~Management Services~~, delegate to the department of ~~Management~~  
7445 ~~Services~~ authority to administer and perform the functions  
7446 described in subsections (3), (4), and (5). Under the terms of  
7447 the delegation, the agency may reserve its right to accept or  
7448 reject a proposed contract.

7449           (8) STATE ASSISTANCE TO LOCAL AGENCIES.—On any professional  
7450 service contract for which the fee is over \$25,000, the  
7451 Department of Transportation or the Department of Environmental  
7452 Protection Management Services shall provide, upon request by a  
7453 municipality, political subdivision, school board, or school

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7454 district, and upon reimbursement of the costs involved,  
7455 assistance in selecting consultants and in negotiating  
7456 consultant contracts.

7457 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

7458 (c) Except as otherwise provided in s. 337.11(7), the  
7459 Department of Environmental Protection ~~Management Services~~ shall  
7460 adopt rules for the award of design-build contracts to be  
7461 followed by state agencies. Each other agency must adopt rules  
7462 or ordinances for the award of design-build contracts.

7463 Municipalities, political subdivisions, school districts, and  
7464 school boards shall award design-build contracts by the ~~use of a~~  
7465 competitive proposal selection process ~~as~~ described in this  
7466 subsection, or by ~~the use of~~ a qualifications-based selection  
7467 process pursuant to subsections (3), (4), and (5) for entering  
7468 into a contract whereby the selected firm shall ~~will~~, subsequent  
7469 to competitive negotiations, establish a guaranteed maximum  
7470 price and guaranteed completion date. If the procuring agency  
7471 elects the option of qualifications-based selection, during the  
7472 selection of the design-build firm the procuring agency shall  
7473 employ or retain a licensed design professional appropriate to  
7474 the project to serve as the agency's representative. Procedures  
7475 for the use of a competitive proposal selection process must  
7476 include, at ~~as~~ a minimum, the following:

7477 1. The preparation of a design criteria package for the  
7478 design and construction of the public construction project.

7479 2. The qualification and selection of at least ~~no fewer~~  
7480 ~~than~~ three design-build firms as the most qualified, based on  
7481 the qualifications, availability, and past work of the firms,  
7482 including the partners or members thereof.

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7483           3. The criteria, procedures, and standards for the  
7484 evaluation of design-build contract proposals or bids, based on  
7485 price, technical, and design aspects of the public construction  
7486 project, weighted for the project.

7487           4. The solicitation of competitive proposals, pursuant to a  
7488 design criteria package, from those qualified design-build firms  
7489 and the evaluation of the responses or bids submitted by those  
7490 firms based on the evaluation criteria and procedures  
7491 established before ~~prior to~~ the solicitation of competitive  
7492 proposals.

7493           5. For consultation with the employed or retained design  
7494 criteria professional concerning the evaluation of the responses  
7495 or bids submitted by the design-build firms, the supervision or  
7496 approval by the agency of the detailed working drawings of the  
7497 project; and for evaluation of the compliance of the project  
7498 construction with the design criteria package by the design  
7499 criteria professional.

7500           6. In the case of public emergencies, for the agency head  
7501 to declare an emergency and authorize negotiations with the best  
7502 qualified design-build firm available at that time.

7503           Section 241. Paragraph (d) of subsection (5) and paragraph  
7504 (b) of subsection (17) of section 287.057, Florida Statutes, are  
7505 amended to read:

7506           287.057 Procurement of commodities or contractual  
7507 services.—

7508           (5) When the purchase price of commodities or contractual  
7509 services exceeds the threshold amount provided in s. 287.017 for  
7510 CATEGORY TWO, no purchase of commodities or contractual services  
7511 may be made without receiving competitive sealed bids,

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7512 competitive sealed proposals, or competitive sealed replies  
7513 unless:

7514 (d) If ~~When~~ it is in the best interest of the state, the  
7515 Chief Financial Officer ~~secretary of the department~~ or a ~~his or~~  
7516 ~~her~~ designee may authorize the Support Program to purchase  
7517 insurance by negotiation, but such purchase shall be made only  
7518 under conditions most favorable to the public interest.

7519 (17) For a contract in excess of the threshold amount  
7520 provided in s. 287.017 for CATEGORY FOUR, the agency head shall  
7521 appoint:

7522 (b) At least three persons to conduct negotiations during a  
7523 competitive sealed reply procurement who collectively have  
7524 experience and knowledge in negotiating contracts, contract  
7525 procurement, and the program areas and service requirements for  
7526 which commodities or contractual services are sought. If ~~When~~  
7527 the value of a contract is in excess of \$1 million in any fiscal  
7528 year, at least one of the persons conducting negotiations must  
7529 be certified as a contract negotiator in accordance with  
7530 department ~~based upon rules adopted by the Department of~~  
7531 ~~Management Services~~ in order to ensure that certified contract  
7532 negotiators are knowledgeable about effective negotiation  
7533 strategies, capable of successfully implementing those  
7534 strategies, and involved appropriately in the procurement  
7535 process. At a minimum, the rules must address the qualifications  
7536 required for certification, the method of certification, and the  
7537 procedure for involving the certified negotiator. If the value  
7538 of a contract is in excess of \$10 million in any fiscal year, at  
7539 least one of the persons conducting negotiations must be a  
7540 Project Management Professional, as certified by the Project

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7541 Management Institute.

7542 Section 242. Section 287.05721, Florida Statutes, is  
7543 amended to read:

7544 287.05721 Definitions.—As used in ss. 287.0571–287.0574,  
7545 the term:

7546 ~~(1) "Council" means the Council on Efficient Government.~~

7547 ~~(2) "outsource" means the process of contracting with a~~  
7548 ~~vendor to provide a service as defined in s. 216.011(1)(f), in~~  
7549 ~~whole or in part, or an activity as defined in s.~~  
7550 ~~216.011(1)(rr), while a state agency retains the responsibility~~  
7551 ~~and accountability for the service or activity and there is a~~  
7552 ~~transfer of management responsibility for the delivery of~~  
7553 ~~resources and the performance of those resources.~~

7554 Section 243. Section 287.0573, Florida Statutes, is  
7555 repealed.

7556 Section 244. Subsections (1), (2), (3), and (4) of section  
7557 287.0574, Florida Statutes, are amended to read:

7558 287.0574 Business cases to outsource; review and analysis;  
7559 requirements.—

7560 (1) A business case to outsource having a projected cost  
7561 exceeding \$10 million in any fiscal year shall require:

7562 (a) An initial business case analysis conducted by the  
7563 state agency and submitted to ~~the council~~, the Governor, the  
7564 President of the Senate, and the Speaker of the House of  
7565 Representatives at least 60 days before a solicitation is  
7566 issued. ~~The council shall evaluate the business case analysis~~  
7567 ~~and submit an advisory report to the state agency, the Governor,~~  
7568 ~~the President of the Senate, and the Speaker of the House of~~  
7569 ~~Representatives when the advisory report is completed, but at~~

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7570 ~~least 30 days before the agency issues the solicitation.~~

7571 (b) A final business case analysis conducted by the state  
7572 agency and submitted after the conclusion of any negotiations,  
7573 at least 30 days before execution of a contract, to ~~the council,~~  
7574 the Governor, the President of the Senate, and the Speaker of  
7575 the House of Representatives.

7576 (2) A proposal to outsource having a projected total cost  
7577 that ranges from \$1 million to \$10 million must ~~in any fiscal~~  
7578 ~~year shall~~ require:

7579 (a) An initial business case analysis conducted by the  
7580 state agency and submission of the business case, at least 30  
7581 days before issuing a solicitation, to ~~the council,~~ the  
7582 Governor, the President of the Senate, and the Speaker of the  
7583 House of Representatives.

7584 (b) A final business case analysis conducted by the state  
7585 agency and submitted after the conclusion of any negotiations,  
7586 at least 30 days before execution of a contract, to ~~the council,~~  
7587 the Governor, the President of the Senate, and the Speaker of  
7588 the House of Representatives.

7589 (3) A business case to outsource that has ~~having~~ a  
7590 projected cost that is less than \$1 million must ~~in any fiscal~~  
7591 ~~year shall~~ require a final business case analysis conducted by  
7592 the state agency after the conclusion of any negotiations ~~and~~  
7593 ~~provided at least 30 days before execution of a contract to the~~  
7594 ~~council. The council shall provide such business cases in its~~  
7595 ~~annual report to the Legislature.~~

7596 (4) For any proposed outsourcing, the state agency shall  
7597 develop a business case that justifies the proposal to  
7598 outsource. In order to reduce any administrative burden, the

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7599 ~~council may allow a~~ state agency shall ~~to~~ submit the business  
7600 case in the form required by the budget instructions issued  
7601 pursuant to s. 216.023(4)(a)7., augmented with additional  
7602 information if necessary, to ensure that the requirements of  
7603 this section are met. The business case is not subject to  
7604 challenge or protest pursuant to chapter 120. The business case  
7605 must include, but need not be limited to:

7606 (a) A detailed description of the service or activity for  
7607 which the outsourcing is proposed.

7608 (b) A description and analysis of the state agency's  
7609 current performance, based on existing performance metrics if  
7610 the state agency is currently performing the service or  
7611 activity.

7612 (c) The goals desired to be achieved through the proposed  
7613 outsourcing and the rationale for such goals.

7614 (d) A citation to the existing or proposed legal authority  
7615 for outsourcing the service or activity.

7616 (e) A description of available options for achieving the  
7617 goals. If state employees are currently performing the service  
7618 or activity, at least one option involving maintaining state  
7619 provision of the service or activity must ~~shall~~ be included.

7620 (f) An analysis of the advantages and disadvantages of each  
7621 option, including, at a minimum, potential performance  
7622 improvements and risks.

7623 (g) A description of the current market for the contractual  
7624 services that are under consideration for outsourcing.

7625 (h) A cost-benefit analysis documenting the direct and  
7626 indirect specific baseline costs, savings, and qualitative and  
7627 quantitative benefits involved in or resulting from the

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7628 implementation of the recommended option or options. Such  
7629 analysis must specify the schedule that, at a minimum, must be  
7630 adhered to in order to achieve the estimated savings. All  
7631 elements of cost must be clearly identified in the cost-benefit  
7632 analysis, described in the business case, and supported by  
7633 applicable records and reports. The state agency head shall  
7634 attest that, based on the data and information underlying the  
7635 business case, to the best of his or her knowledge, all  
7636 projected costs, savings, and benefits are valid and achievable.  
7637 As used in this section, the term "cost" means the reasonable,  
7638 relevant, and verifiable cost, which may include, but is not  
7639 limited to, elements such as personnel, materials and supplies,  
7640 services, equipment, capital depreciation, rent, maintenance and  
7641 repairs, utilities, insurance, personnel travel, overhead, and  
7642 interim and final payments. The appropriate elements shall  
7643 depend on the nature of the specific initiative. As used in this  
7644 section, the term "savings" means the difference between the  
7645 direct and indirect actual annual baseline costs compared to the  
7646 projected annual cost for the contracted functions or  
7647 responsibilities in any succeeding state fiscal year during the  
7648 term of the contract.

7649 (i) A description of differences among current state agency  
7650 policies and processes and, as appropriate, a discussion of  
7651 options for or a plan to standardize, consolidate, or revise  
7652 current policies and processes, if any, to reduce the  
7653 customization of any proposed solution that would otherwise be  
7654 required.

7655 (j) A description of the specific performance standards  
7656 that must, at a minimum, be met to ensure adequate performance.

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7657 (k) The projected timeframe for key events from the  
7658 beginning of the procurement process through the expiration of a  
7659 contract.

7660 (l) A plan to ensure compliance with the public records  
7661 law.

7662 (m) A specific and feasible contingency plan addressing  
7663 contractor nonperformance and a description of the tasks  
7664 involved in and costs required for its implementation.

7665 (n) A state agency's transition plan for addressing changes  
7666 in the number of agency personnel, affected business processes,  
7667 employee transition issues, and communication with affected  
7668 stakeholders, such as agency clients and the public. The  
7669 transition plan must contain a reemployment and retraining  
7670 assistance plan for employees who are not retained by the state  
7671 agency or employed by the contractor.

7672 (o) A plan for ensuring access by persons with disabilities  
7673 in compliance with applicable state and federal law.

7674 (p) A description of legislative and budgetary actions  
7675 necessary to accomplish the proposed outsourcing.

7676 Section 245. Section 287.076, Florida Statutes, is amended  
7677 to read:

7678 287.076 ~~Project Management Professionals~~ Training for  
7679 personnel involved in managing outsourcings; funding.—The  
7680 department ~~of Management Services~~ may implement a program to  
7681 train state agency employees who are involved in managing  
7682 outsourcings as Project Management Professionals, as certified  
7683 by the Project Management Institute. ~~For the 2006-2007 fiscal~~  
7684 ~~year, the sum of \$500,000 in recurring funds from the General~~  
7685 ~~Revenue Fund is appropriated to the department of Management~~

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7686 ~~Services to implement this program.~~ The department of Management  
7687 ~~Services,~~ in consultation with entities subject to this act,  
7688 shall identify personnel to participate in this training based  
7689 on requested need and ensure that each agency is represented.  
7690 The department of ~~Management Services~~ may remit payment for this  
7691 training on behalf of all participating personnel.

7692 Section 246. Subsection (1) of section 287.083, Florida  
7693 Statutes, is amended to read:

7694 287.083 Purchase of commodities.—

7695 (1) ~~It shall be the policy of the state for~~ The Department  
7696 of Financial Management Services shall ~~to~~ consider the life-  
7697 cycle cost of commodities purchased by the state, if when  
7698 applicable and feasible as determined by the department.

7699 Section 247. Section 287.0834, Florida Statutes, is amended  
7700 to read:

7701 287.0834 Motor vehicles; energy-saving equipment and  
7702 additives.—Each motor vehicle purchased by the state and each  
7703 motor vehicle leased by the state ~~for a period~~ in excess of 1  
7704 year must ~~shall~~ use devices, equipment, and additives that have  
7705 been certified as energy-saving and approved for use by the  
7706 United States Environmental Protection Agency and that have been  
7707 determined by the department to be cost-effective ~~by the~~  
7708 ~~Department of Management Services.~~

7709 Section 248. Present subsection (2) of section 287.084,  
7710 Florida Statutes, is renumbered as subsection (3), respectively,  
7711 and new subsection (2) is added to that section, to read:

7712 287.084 Preference to Florida businesses.—

7713 (2) In a competitive solicitation in which the lowest bid  
7714 is submitted by a vendor whose principal place of business is

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7715 located outside of this state and the foreign state does not  
7716 grant a preference in competitive solicitation to vendors having  
7717 a principal place of business in that state, a 5 percent  
7718 preference shall be given to the lowest responsible and  
7719 responsive vendor having a principal place of business in this  
7720 state if the vendor receiving the preference does not  
7721 subcontract any work under the contract to an out-of-state  
7722 vendor.

7723 Section 249. Subsection (1), paragraphs (d), (g), and (j)  
7724 of subsection (2), paragraph (e) of subsection (3), paragraph  
7725 (a) of subsection (5), and subsection (12) of section 287.0943,  
7726 Florida Statutes, are amended to read:

7727 287.0943 Certification of minority business enterprises.—

7728 (1) A business certified by any local governmental  
7729 jurisdiction or organization shall be accepted by the ~~Department~~  
7730 ~~of Management Services,~~ office of ~~Supplier Diversity,~~ as a  
7731 certified minority business enterprise for purposes of doing  
7732 business with state government if ~~when~~ the office of ~~Supplier~~  
7733 ~~Diversity~~ determines that the state's minority business  
7734 enterprise certification criteria are applied in the local  
7735 certification process.

7736 (2)

7737 (d) A final list of the criteria and procedures proposed by  
7738 the task force shall be considered by the Chief Financial  
7739 Officer ~~secretary~~. The task force may seek technical assistance  
7740 from qualified providers of technical, business, and managerial  
7741 expertise to ensure the reliability of the certification  
7742 criteria developed.

7743 (g) The certification criteria approved by the task force

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7744 and adopted by the department must ~~of Management Services shall~~  
7745 be included in a statewide and interlocal agreement as defined  
7746 in s. 287.09431 and, in accordance with s. 163.01, shall be  
7747 executed according to the terms included therein.

7748 (j) The statewide and interlocal agreement shall be guided  
7749 by the terms and conditions found therein and may be amended at  
7750 any meeting of the task force and subsequently adopted by the  
7751 Chief Financial Officer ~~secretary of the Department of~~  
7752 ~~Management Services~~. The amended agreement must be enacted,  
7753 initialed, and legally executed by at least two-thirds of the  
7754 certifying entities party to the existing agreement and adopted  
7755 by the state as originally executed in order to bind the  
7756 certifying entity.

7757 (3)

7758 (e) Any participating program receiving three or more  
7759 challenges to its certification decisions pursuant to subsection  
7760 (4) from other organizations that are executors to the statewide  
7761 and interlocal agreement, is ~~shall be~~ subject to a review by the  
7762 office, as provided in paragraphs (a) and (b), of the  
7763 organization's capacity to perform under such agreement and in  
7764 accordance with the core criteria established by the task force.  
7765 The office shall submit a report to the Chief Financial Officer  
7766 ~~secretary of the Department of Management Services~~ regarding the  
7767 results of the review.

7768 (5) (a) The Chief Financial Officer ~~secretary of the~~  
7769 ~~Department of Management Services~~ shall execute the statewide  
7770 and interlocal agreement established under s. 287.09431 on  
7771 behalf of the state. The office shall certify minority business  
7772 enterprises in accordance with the laws of this state and, by

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7773 affidavit, shall recertify such minority business enterprises  
7774 not less than once each year.

7775 (12) Any executor of the statewide and interlocal agreement  
7776 may revoke the certification or recertification of a firm doing  
7777 business as a certified minority business enterprise if the  
7778 minority business enterprise does not meet the requirements of  
7779 the jurisdiction or certifying entity that certified or  
7780 recertified the firm as a certified minority business  
7781 enterprise, or the requirements of subsection (2), s. 288.703,  
7782 and any rule of the office or the department ~~of Management~~  
7783 ~~Services~~ or if the business acquired certification or  
7784 recertification by means of falsely representing any entity as a  
7785 minority business enterprise for purposes of qualifying for  
7786 certification or recertification.

7787 Section 250. Subsections (2) and (3) and paragraph (h) of  
7788 subsection (4) of section 287.09451, Florida Statutes, are  
7789 amended to read:

7790 287.09451 Office of Supplier Diversity; powers, duties, and  
7791 functions.—

7792 (2) The Office of Supplier Diversity is established within  
7793 the department ~~of Management Services~~ to assist minority  
7794 business enterprises in becoming suppliers of commodities,  
7795 services, and construction to state government.

7796 (3) The Chief Financial Officer ~~secretary~~ shall appoint an  
7797 executive director for the office ~~of Supplier Diversity~~, who  
7798 shall serve at the pleasure of the Chief Financial Officer  
7799 ~~secretary~~.

7800 (4) The Office of Supplier Diversity shall have the  
7801 following powers, duties, and functions:

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7802 (h) To develop procedures to investigate complaints against  
7803 minority business enterprises or contractors alleged to violate  
7804 any provision related to this section or s. 287.0943, that may  
7805 include visits to worksites or business premises, and to refer  
7806 all information on businesses suspected of misrepresenting  
7807 minority status to the department ~~of Management Services~~ for  
7808 investigation. When an investigation is completed and there is  
7809 reason to believe that a violation has occurred, the department  
7810 ~~of Labor and Employment Security~~ shall refer the matter to the  
7811 office of the Attorney General, ~~Department of Legal Affairs,~~ for  
7812 prosecution.

7813 Section 251. Section 287.131, Florida Statutes, is amended  
7814 to read:

7815 287.131 Assistance of Department of Financial Services.—The  
7816 department ~~of Financial Services~~ shall provide ~~the Department of~~  
7817 ~~Management Services with~~ technical assistance in all matters  
7818 pertaining to the purchase of insurance for all agencies, and  
7819 shall make surveys of the insurance needs of the state and all  
7820 departments thereof, including the benefits, if any, of self-  
7821 insurance.

7822 Section 252. Paragraphs (d), (e), (f), and (g) of  
7823 subsection (1) of section 287.133, Florida Statutes, are amended  
7824 to read:

7825 287.133 Public entity crime; denial or revocation of the  
7826 right to transact business with public entities.—

7827 (1) As used in this section:

7828 ~~(d) "Department" means the Department of Management~~  
7829 ~~Services.~~

7830 (d) ~~(e)~~ "Person" means any natural person or any entity

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7831 organized under the laws of any state or of the United States  
7832 with the legal power to enter into a binding contract and which  
7833 bids or applies to bid on contracts let by a public entity, or  
7834 which otherwise transacts or applies to transact business with a  
7835 public entity. The term ~~"person"~~ includes those officers,  
7836 directors, executives, partners, shareholders, employees,  
7837 members, and agents who are active in management of an entity.

7838 (e)~~(f)~~ "Public entity" means the State of Florida, any of  
7839 its ~~departments or~~ agencies, or any political subdivision.

7840 (f)~~(g)~~ "Public entity crime" means a violation of any state  
7841 or federal law by a person with respect to and directly related  
7842 to the transaction of business with any public entity or with an  
7843 agency or political subdivision of any other state or with the  
7844 United States, including, but not limited to, any bid, proposal,  
7845 reply, or contract for goods or services, any lease for real  
7846 property, or any contract for the construction or repair of a  
7847 public building or public work, involving antitrust, fraud,  
7848 theft, bribery, collusion, racketeering, conspiracy, or material  
7849 misrepresentation.

7850 Section 253. Paragraphs (d), (e), (f), and (g) of  
7851 subsection (1) of section 287.134, Florida Statutes, are amended  
7852 to read:

7853 287.134 Discrimination; denial or revocation of the right  
7854 to transact business with public entities.—

7855 (1) As used in this section:

7856 ~~(d) "Department" means the Department of Management~~  
7857 ~~Services.~~

7858 (d)~~(e)~~ "Entity" means any natural person or any entity  
7859 organized under the laws of any state or of the United States

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7860 with the legal power to enter into a binding contract and which  
7861 bids or applies to bid on contracts let by a public entity, or  
7862 which otherwise transacts or applies to transact business with a  
7863 public entity.

7864 (e)~~(f)~~ "Public entity" means this state and ~~any department~~  
7865 ~~or~~ agency of this state.

7866 (f)~~(g)~~ "Senior management" includes chief executive  
7867 officers; assistant chief executive officers, including, but not  
7868 limited to, assistant presidents, vice presidents, or assistant  
7869 treasurers; chief financial officers; chief personnel officers;  
7870 or any employee of an entity performing similar functions.

7871 Section 254. Section 287.15, Florida Statutes, is amended  
7872 to read:

7873 287.15 Purchase or lease of motor vehicles, watercraft, or  
7874 aircraft; ~~prior approval of the Department of Management~~  
7875 ~~Services.~~—No state agency shall purchase, lease, or acquire any  
7876 motor vehicle, watercraft, or aircraft of any type unless prior  
7877 approval is first obtained from the Department of Financial  
7878 ~~Management~~ Services. However, this section does not ~~nothing~~  
7879 ~~herein shall~~ prohibit the lease for casual use of motor  
7880 vehicles, or remove the requirement that all purchases be in  
7881 compliance with the rules ~~and regulations~~ of the Department of  
7882 Financial ~~Management~~ Services.

7883 Section 255. Subsection (2) of section 287.151, Florida  
7884 Statutes, is amended to read:

7885 287.151 Limitation on classes of motor vehicles procured.—

7886 (2) ~~Ne~~ Funds in the General Appropriations Act may not  
7887 ~~shall~~ be used to purchase any vehicle at prices in excess of the  
7888 standard prices negotiated by the Department of Financial

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7889 ~~Management~~ Services.

7890 Section 256. Subsections (1) and (3) of section 287.155,  
7891 Florida Statutes, are amended to read:

7892 287.155 Motor vehicles; purchase by Department of Children  
7893 and Family Services, Agency for Persons with Disabilities,  
7894 Department of Health, Department of Juvenile Justice, and  
7895 Department of Corrections.—

7896 (1) The Department of Children and Family Services, the  
7897 Agency for Persons with Disabilities, the Department of Health,  
7898 the Department of Juvenile Justice, and the Department of  
7899 Corrections may, subject to the approval of the Department of  
7900 Financial ~~Management~~ Services, purchase automobiles, trucks,  
7901 tractors, and other automotive equipment for the use of  
7902 institutions or developmental disabilities centers under the  
7903 management of the Department of Children and Family Services,  
7904 the Agency for Persons with Disabilities, the Department of  
7905 Health, and the Department of Corrections, and for the use of  
7906 residential facilities managed or contracted by the Department  
7907 of Juvenile Justice.

7908 (3) The Department of Health may ~~is authorized~~, subject to  
7909 the approval of the Department of Financial ~~Management~~ Services,  
7910 ~~to~~ purchase automobiles, trucks, and other automotive equipment  
7911 for use by county health departments.

7912 Section 257. Section 287.16, Florida Statutes, is amended  
7913 to read:

7914 287.16 Powers and duties of department.—The Department of  
7915 Financial ~~Management~~ Services shall have the following powers,  
7916 duties, and responsibilities:

7917 (1) To obtain the most effective and efficient use of motor

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7918 vehicles, watercraft, and aircraft for state purposes.

7919 (2) To establish and operate central facilities for the  
7920 acquisition, disposal, operation, maintenance, repair, storage,  
7921 supervision, control, and regulation of all state-owned or  
7922 state-leased aircraft, watercraft, and motor vehicles and to  
7923 operate any state facilities for those purposes. Acquisition may  
7924 be by purchase, lease, loan, or in any other legal manner. The  
7925 department may contract for the maintenance of motor vehicles.

7926 (3) In its discretion, to require every state agency to  
7927 transfer its ownership, custody, and control of every aircraft  
7928 and motor vehicle, and associated maintenance facilities and  
7929 equipment, except those used principally for law enforcement,  
7930 state fire marshal, or fire control purposes, to the department  
7931 ~~of Management Services~~, including all right, title, interest,  
7932 and equity therein.

7933 (4) Upon requisition and showing of need, to assign  
7934 suitable aircraft or motor vehicles, on a temporary basis of  
7935 ~~(for a period up to and including 1 month,)~~ or a permanent basis  
7936 ~~(for a period from 1 month up to and including 1 full year)~~  
7937 basis, to any state agency.

7938 (5) To allocate and charge fees to the state agencies to  
7939 which aircraft or motor vehicles are furnished, based upon any  
7940 reasonable criteria.

7941 (6) To adopt and enforce rules and regulations for the  
7942 efficient and safe use, operation, maintenance, repair,  
7943 disposal, and replacement of all state-owned or state-leased  
7944 aircraft, watercraft, and motor vehicles and to require the  
7945 placement of appropriate stickers, decals, or other markings  
7946 upon them. The department may delegate to the respective heads

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7947 of the agencies to which aircraft, watercraft, and motor  
7948 vehicles are assigned the duty of enforcing the rules and  
7949 regulations adopted by the department.

7950 (7) To contract for specialized maintenance services.

7951 (8) To require any state agency to keep records and make  
7952 reports regarding aircraft and motor vehicles to the department  
7953 as may be required. The Department of Highway Safety and Motor  
7954 Vehicles shall use a reporting system approved by the  
7955 department.

7956 (9) To establish and operate central facilities to  
7957 determine the mode of transportation to be used by state  
7958 employees traveling on official state business and to schedule  
7959 and coordinate use of state-owned or state-leased aircraft and  
7960 passenger-carrying vehicles to assure maximum utilization of  
7961 state aircraft, motor vehicles, and employee time by assuring  
7962 that employees travel by the most practical and economical mode  
7963 of travel. The department shall consider the number of employees  
7964 making the trip to the same location, the most efficient and  
7965 economical means of travel considering the time of the employee,  
7966 transportation cost and subsistence required, the urgency of the  
7967 trip, and the nature and purpose of the trip.

7968 (10) To provide the Legislature annual reports at the end  
7969 of each calendar year concerning the use ~~utilization~~ of all  
7970 aircraft in the executive pool.

7971 (11) To calculate biennially the break-even mileage at  
7972 which it becomes cost-effective for the state to provide  
7973 assigned motor vehicles to employees. The Support Program shall  
7974 provide the information to agency heads and agency inspectors  
7975 general to assist them in meeting the reporting requirements of

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7976 s. 20.055.

7977 (12) To conduct, in coordination with the Department of  
7978 Transportation, an analysis of fuel additive and biofuel use by  
7979 the Department of Transportation through its central fueling  
7980 facilities. The department shall encourage other state  
7981 government entities to analyze transportation fuel usage,  
7982 including the different types and percentages of fuels consumed,  
7983 and report such information to the department.

7984 Section 258. Section 287.161, Florida Statutes, is amended  
7985 to read:

7986 287.161 Executive aircraft pool; assignment of aircraft;  
7987 charge for transportation.—

7988 (1) ~~There is created within the Department of Management~~  
7989 ~~Services~~ An executive aircraft pool consisting of state-owned  
7990 aircraft for the purpose of furnishing executive air travel is  
7991 created within the Executive Office of the Governor. Such  
7992 aircraft may ~~shall~~ not be a model in excess of a two-engine jet.  
7993 Aircraft included in the executive aircraft pool may not be  
7994 specifically assigned to any department or agency on any basis.

7995 (2) The Executive Office of the Governor ~~Department of~~  
7996 ~~Management Services~~ shall charge all persons receiving  
7997 transportation from the executive aircraft pool a rate not less  
7998 than the mileage allowance fixed by the Legislature for the use  
7999 of privately owned vehicles. Fees collected for persons  
8000 traveling by aircraft in the executive aircraft pool shall be  
8001 deposited into the Bureau of Aircraft Trust Fund and ~~shall be~~  
8002 expended for costs incurred to operate ~~the~~ aircraft management  
8003 activities ~~of the department~~. It is the intent of the  
8004 Legislature that the executive aircraft pool be operated on a

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8005 full cost recovery basis, less available funds.

8006 Section 259. Paragraph (a) of subsection (3) of section  
8007 287.17, Florida Statutes, is amended to read:

8008 287.17 Limitation on use of motor vehicles and aircraft.—

8009 (3) (a) The term "official state business" does ~~may not be~~  
8010 ~~construed to~~ permit the use of a motor vehicle or aircraft for  
8011 commuting purposes, unless special assignment of a motor vehicle  
8012 is authorized as a perquisite by the Department of Personnel  
8013 Management ~~Services~~, required by an employee after normal duty  
8014 hours to perform duties of the position to which assigned, or  
8015 authorized for an employee whose home is the official base of  
8016 operation.

8017 Section 260. Section 287.18, Florida Statutes, is amended  
8018 to read:

8019 287.18 Repair and service of motor vehicles and aircraft.—  
8020 The Chief Financial Officer ~~Secretary of Management Services~~ or  
8021 a ~~his or her~~ designee may require a ~~department or any~~ state  
8022 agency having facilities for the repair of aircraft or motor  
8023 vehicles and for the storage and distribution of gasoline and  
8024 other petroleum products to repair aircraft and motor vehicles  
8025 and to furnish gasoline and other petroleum products to any  
8026 other state ~~department or~~ agency and shall compensate for the  
8027 cost of such services and products.

8028 Section 261. Section 287.19, Florida Statutes, is amended  
8029 to read:

8030 287.19 Transfer of funds.—All moneys designated for or  
8031 appropriated to any agency for the use, operation, maintenance,  
8032 repair, or replacement of any state-owned or leased motor  
8033 vehicles or aircraft shall be transferred to the Department of

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8034 Financial Management Services as required by the department.

8035 Section 262. Subsection (1) of section 288.021, Florida  
8036 Statutes, is amended to read:

8037 288.021 Economic development liaison.—

8038 (1) The heads of the Department of Transportation, the  
8039 Department of Environmental Protection and an additional member  
8040 appointed by the secretary of the department, ~~the Department of~~  
8041 ~~Labor and Employment Security,~~ the Department of Education, the  
8042 Department of Community Affairs, ~~the Department of Management~~  
8043 ~~Services,~~ the Department of Revenue, the Fish and Wildlife  
8044 Conservation Commission, each water management district, and  
8045 each Department of Transportation District office shall  
8046 designate a high-level staff member from within such agency to  
8047 serve as the economic development liaison for the agency. This  
8048 person shall report to the agency head and have general  
8049 knowledge both of the state's permitting and other regulatory  
8050 functions and of the state's economic goals, policies, and  
8051 programs. This person shall also be the primary point of contact  
8052 for the agency with the Office of Tourism, Trade, and Economic  
8053 Development on issues and projects important to the economic  
8054 development of this state ~~Florida~~, including its rural areas, to  
8055 expedite project review, to ensure a prompt, effective response  
8056 to problems arising with regard to permitting and regulatory  
8057 functions, and to work closely with the other economic  
8058 development liaisons to resolve interagency conflicts.

8059 Section 263. Subsections (1) and (2), paragraphs (c)  
8060 through (j) of subsection (4), and subsection (6) of section  
8061 288.109, Florida Statutes, are amended to read:

8062 288.109 One-Stop Permitting System.—

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8063           (1) The Department of Community Affairs shall ~~By January 1,~~  
8064 ~~2001, the State Technology Office must~~ establish and administer  
8065 ~~implement~~ an Internet site for the One-Stop Permitting System.  
8066 The One-Stop Permitting System Internet site shall provide  
8067 individuals and businesses with information concerning  
8068 development permits; guidance on what development permits are  
8069 needed for particular projects; permit requirements; and who may  
8070 be contacted for more information concerning a particular  
8071 development permit for a specific location. The department  
8072 ~~office~~ shall design and construct the Internet site and may  
8073 competitively procure and contract for services to develop the  
8074 site. In designing and constructing the Internet site, the  
8075 department shall ~~office must~~ solicit input from potential users  
8076 of the site.

8077           (2) The Department of Community Affairs ~~office~~ shall  
8078 develop the One-Stop Permitting System Internet site to allow an  
8079 applicant to complete and submit application forms for  
8080 development permits to agencies and counties. The Internet site  
8081 must be capable of allowing an applicant to submit payment for  
8082 permit fees and must provide payment options. After initially  
8083 establishing the Internet site, the department ~~office~~ shall  
8084 implement, in the most timely manner possible, the capabilities  
8085 described in this subsection. The department ~~office~~ shall also  
8086 develop a protocol for adding ~~to the One-Stop Permitting System~~  
8087 additional state agencies and counties that agree to participate  
8088 to the One-Stop Permitting System. The department ~~office~~ may  
8089 competitively procure and contract for services to develop such  
8090 capabilities.

8091           (4) The One-Stop Permitting System must initially provide

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8092 access to the following state agencies, water management  
8093 districts and counties, with other agencies and counties that  
8094 agree to participate:

8095 ~~(e) The Department of Management Services.~~

8096 (c)~~(d)~~ The Department of Transportation, including district  
8097 offices.

8098 (d)~~(e)~~ The Northwest Florida Water Management District.

8099 (e)~~(f)~~ The St. Johns River Water Management District.

8100 (f)~~(g)~~ The Southwest Florida Water Management District.

8101 (g)~~(h)~~ The Suwannee River Water Management District.

8102 (h)~~(i)~~ The South Florida Water Management District.

8103 (i)~~(j)~~ Selected counties that agree to participate.

8104 (6) The Department of Community Affairs ~~office~~ may add  
8105 counties and municipalities to the One-Stop Permitting System as  
8106 such local governments agree to participate and develop the  
8107 technical capability of joining the system.

8108 Section 264. Section 288.1092, Florida Statutes, is amended  
8109 to read:

8110 288.1092 One-Stop Permitting System Grant Program. ~~There is~~  
8111 ~~created within the State Technology Office~~ The One-Stop  
8112 Permitting System Grant Program is created within the Department  
8113 of Community Affairs. The purpose of the grant program is to  
8114 encourage counties to coordinate and integrate the development  
8115 of the county's permitting process with the One-Stop Permitting  
8116 System. The department ~~office~~ shall review grant applications  
8117 and, subject to available funds, if a county is certified as a  
8118 Quick Permitting County under s. 288.1093, shall award a grant  
8119 of up to \$50,000 to provide for such integration. The department  
8120 ~~office~~ must review a grant application for consistency with the

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8121 purpose of the One-Stop Permitting System to provide access to  
8122 development permit information and application forms. Grants  
8123 shall be issued on a first-come, first-served basis to qualified  
8124 Quick Permitting Counties. The grant moneys may be used to  
8125 purchase software, hardware, or consulting services necessary  
8126 for the county to create an interface with the One-Stop  
8127 Permitting System. Grant moneys may not be used to pay  
8128 administrative costs. The grant application must specify what  
8129 items or services the county intends to purchase using the grant  
8130 moneys, the amount of each of the items or services to be  
8131 purchased, and how the items or services are necessary for the  
8132 county to create an interface with the One-Stop Permitting  
8133 System.

8134 Section 265. Subsections (1) and (3) of section 288.1093,  
8135 Florida Statutes, are amended to read:

8136 288.1093 Quick Permitting County Designation Program.—

8137 ~~(1) There is established within the State Technology Office~~  
8138 The Quick Permitting County Designation Program is established  
8139 within the Department of Community Affairs. To be designated as  
8140 a Quick Permitting County, the chair of the board of county  
8141 commissioners of the applying county must certify to the  
8142 department office ~~office~~ that the county meets the criteria specified  
8143 in subsection (3).

8144 (3) In order to qualify for a Quick Permitting County  
8145 designation, a county must certify to the Department of  
8146 Community Affairs ~~office~~ that the county has implemented the  
8147 following best management practices:

8148 (a) The establishment of a single point of contact for a  
8149 business seeking assistance in obtaining a permit;

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8150 (b) The selection of high-priority projects for accelerated  
8151 permit review;

8152 (c) The use of documented preapplication meetings following  
8153 standard procedures;

8154 (d) The maintenance of an inventory of sites suitable for  
8155 high-priority projects;

8156 (e) The development of a list of consultants who conduct  
8157 business in the county;

8158 (f) The evaluation and elimination of duplicative approval  
8159 and permitting requirements within the county;

8160 (g) The commitment to participate, through the entry of an  
8161 interlocal agreement for individual projects, in the expedited  
8162 permit process set forth in s. 403.973;

8163 (h) The development of a timetable for processing  
8164 development permits and approvals; and

8165 (i) The use of interagency coordination to facilitate  
8166 permit processing.

8167 Section 266. Paragraph (a) of subsection (3) of section  
8168 288.1185, Florida Statutes, is amended to read:

8169 288.1185 Recycling Markets Advisory Committee.—

8170 (3) (a) The heads of the Department of Transportation, the  
8171 Department of Environmental Protection, ~~the Department of~~  
8172 ~~Management Services~~, the Department of Agriculture and Consumer  
8173 Services, the Florida Energy Office, the Chief Financial  
8174 Officer, and the Governor shall each designate a staff member  
8175 from within the agency to serve as the recycling market  
8176 development liaison for the agency. This person must ~~shall~~ have  
8177 knowledge of recycling and the issues and problems related to  
8178 recycling and recycled materials market development. This person

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8179 shall be the primary point of contact for the agency on issues  
8180 related to recycled materials market development. These liaisons  
8181 shall be available for committee meetings and shall work closely  
8182 with the committee and other recycling market development  
8183 liaisons to further the goals of the committee, as appropriate.

8184 Section 267. Paragraph (d) of subsection (5) and subsection  
8185 (8) of section 288.15, Florida Statutes, are amended to read:

8186 288.15 Powers of Division of Bond Finance.—There is hereby  
8187 granted to and vested in the Division of Bond Finance of the  
8188 State Board of Administration the power, right, franchise, and  
8189 authority:

8190 (5) In order to carry out the objectives and purposes of  
8191 this chapter, the division is authorized to acquire, own,  
8192 construct, operate, maintain, improve, and extend public  
8193 buildings, facilities, or works within the state which are of  
8194 the character hereinafter specifically mentioned. All public  
8195 buildings, facilities, and works which the division is  
8196 authorized to own, construct, operate, and maintain must be such  
8197 as can ultimately be owned and operated by an agency,  
8198 department, board, bureau, or commission of the state. All or  
8199 any such buildings, facilities, or works may be of a revenue-  
8200 producing character in order that the cost of the same or some  
8201 part of improvements or extensions thereto may be paid from  
8202 receipts therefrom, including in Tallahassee only rentals,  
8203 leases, and sales to both public and nonpublic agencies through  
8204 the issue and sales or disposition of revenue bonds, notes, or  
8205 certificates of the division. The buildings, facilities, and  
8206 works which the division is hereby authorized to acquire,  
8207 construct, operate, maintain, improve, and extend are:

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8208 (d) Public buildings, facilities, and additions or  
8209 improvements to existing buildings and facilities for ultimate  
8210 use in connection with any of the several state institutions,  
8211 departments, bureaus, boards, or commissions. For this use; ~~and,~~  
8212 ~~In furtherance of this paragraph,~~ the Department of  
8213 Environmental Protection Management Services, the Board of  
8214 Governors of the State University System, and the State Board of  
8215 Education shall ~~are authorized to~~ cooperate with the Division of  
8216 Bond Finance and ~~to do and~~ perform all acts and things necessary  
8217 thereto. Any property acquired by the division ~~of Bond Finance~~  
8218 under ~~the provisions of~~ this chapter may ultimately be conveyed  
8219 to the state free and clear of all debt or other encumbrance.

8220 (8) The division shall ~~is hereby authorized and directed to~~  
8221 proceed with the acquisition of land and buildings ~~thereon now~~  
8222 ~~needed or to be~~ needed for use in whole or in part by any  
8223 agency, board, bureau, or commission of the state, such  
8224 acquisition to be within the area defined by the Department of  
8225 Environmental Protection Management Services for the long-range  
8226 development of the proposed Capitol Center. The division shall  
8227 also; ~~and~~

8228 (a) ~~To~~ Construct, acquire, own, and operate buildings and  
8229 facilities thereon, such buildings and facilities to be financed  
8230 by the revenue they yield, through the issuance of revenue  
8231 certificates; and

8232 (b) ~~To~~ Have specific authority in financing the  
8233 acquisition, construction, and operation of such buildings and  
8234 facilities, to utilize rentals to both public and nonpublic  
8235 agencies as well as any regularly appropriated state or other  
8236 public funds; however, ~~no~~ revenue from lands, buildings, or

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8237 facilities now owned by the state may not be pledged to finance  
8238 the acquisition of land, buildings, or facilities pursuant to  
8239 this section ~~the provisions of this law~~, except for revenue from  
8240 land, buildings, or facilities purchased or acquired pursuant to  
8241 this section ~~the provisions of this law~~.

8242 Section 268. Section 288.17, Florida Statutes, is amended  
8243 to read:

8244 288.17 Revenue certificates.—The Division of Bond Finance  
8245 of the State Board of Administration may ~~is authorized to~~ issue  
8246 interest-bearing revenue certificates for construction of all  
8247 state buildings approved by the Legislature in its appropriation  
8248 acts and requested by the Department of Environmental Protection  
8249 ~~Management Services~~ or by the Board of Governors of the State  
8250 University System.

8251 Section 269. Subsections (1) and (3) of section 288.18,  
8252 Florida Statutes, are amended to read:

8253 288.18 Planning, promoting, and supervising state building  
8254 projects.—

8255 (1) The Department of Environmental Protection ~~is~~  
8256 ~~Management Services~~ shall be responsible for promoting any state  
8257 building project financed as provided by law in any community  
8258 where a state building is needed.

8259 (3) Any state agency required to occupy space by the  
8260 Department of Environmental Protection ~~Management Services~~ may  
8261 contract for such space and pledge such rentals as are provided  
8262 and appropriated by the Legislature for the purpose of financing  
8263 the retirement of revenue certificates for the lifetime of any  
8264 issue.

8265 Section 270. Paragraph (d) of subsection (3) and

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8266 subsections (5) and (8) of section 288.703, Florida Statutes,  
8267 are amended to read:

8268       288.703 Definitions.—As used in this act, the following  
8269 words and terms shall have the following meanings unless the  
8270 content shall indicate another meaning or intent:

8271       (3) "Minority person" means a lawful, permanent resident of  
8272 Florida who is:

8273       (d) A Native American, a person who has origins in any of  
8274 the Indian Tribes of North America prior to 1835, upon  
8275 presentation of proper documentation ~~thereof~~ as established by  
8276 rule of the Department of Financial Management Services.

8277       (5) "Department" means the Department of Financial  
8278 ~~Management~~ Services.

8279       ~~(8) "Secretary" means the secretary of the Department of~~  
8280 ~~Management Services.~~

8281       Section 271. Subsections (2), (10), (11), and (12) of  
8282 section 288.706, Florida Statutes, are amended to read:

8283       288.706 Florida Minority Business Loan Mobilization  
8284 Program.—

8285       (2) The Florida Minority Business Loan Mobilization Program  
8286 is created to promote the development of minority business  
8287 enterprises, ~~as defined in s. 288.703(2)~~, increase the ability  
8288 of minority business enterprises to compete for state contracts,  
8289 and sustain the economic growth of minority business enterprises  
8290 in this state. The goal of the program is to assist minority  
8291 business enterprises by facilitating working capital loans to  
8292 minority business enterprises that are vendors on state agency  
8293 contracts. The department ~~of Management Services~~ shall  
8294 administer the program.

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8295 (10) The department ~~of Management Services~~ may adopt rules  
8296 to administer ~~implement the provisions of~~ this section.

8297 (11) The department ~~of Management Services~~ shall maintain a  
8298 listing of financial institutions willing to participate in the  
8299 Florida Minority Business Loan Mobilization Program. This list  
8300 may ~~of financial institutions shall~~ not be exclusive. A minority  
8301 business enterprise vendor who has a working relationship with a  
8302 financial institution is encouraged to request that the  
8303 financial institution apply to participate as a financial  
8304 institution for the program.

8305 (12) The department ~~of Management Services~~ shall  
8306 collaborate with the Florida Black Business Investment Board,  
8307 Inc., and the Office of Tourism, Trade, and Economic Development  
8308 to assist in the development and enhancement of black business  
8309 enterprises.

8310 Section 272. Subsection (2) of section 288.708, Florida  
8311 Statutes, is amended to read:

8312 288.708 President; employees.—

8313 (2) An employee of the board may not receive compensation  
8314 for employment that exceeds the salary paid to the Governor,  
8315 unless the board and the employee have executed a contract that  
8316 prescribes specific and measurable performance outcomes for the  
8317 employee, the satisfaction of which provides the basis for the  
8318 award of incentive payments that increase the employee's total  
8319 compensation to a level above the salary paid to the Governor.  
8320 The Executive Office of the Governor ~~Department of Management~~  
8321 ~~Services~~ shall establish a lease-agreement program under which  
8322 an employee of the board, as of June 30, 2002, retains his or  
8323 her status as a state employee until the employee voluntarily or

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8324 involuntarily terminates his or her status with the board.  
8325 Status as a state employee includes ~~shall include~~ the right to  
8326 participate in the Florida Retirement System.

8327 Section 273. Subsection (6) of section 288.7091, Florida  
8328 Statutes, is amended to read:

8329 288.7091 Duties of the Florida Black Business Investment  
8330 Board, Inc.—The board shall:

8331 (6) Collaborate with the Department of Transportation, the  
8332 Department of Financial Management ~~Management~~ Services, including the  
8333 Florida Minority Business Loan Mobilization Program, Workforce  
8334 Florida, Inc., and other state agencies and partners, the State  
8335 University System, including the Florida Agricultural and  
8336 Mechanical University's Institute of Urban Policy and Commerce,  
8337 school boards, and local governments to create an ~~a network of~~  
8338 information network and to identify available resources to  
8339 enhance the development and expansion of black business  
8340 enterprises.

8341 Section 274. Paragraph (b) of subsection (5) of section  
8342 288.712, Florida Statutes, is amended to read:

8343 288.712 Guarantor funds.—

8344 (5) The board shall do all of the following to implement  
8345 the black contractors bonding program:

8346 (b) Provide assistance to the Office of Supplier Diversity  
8347 within the Department of Financial Management ~~Management~~ Services, as  
8348 needed, to certify new black business enterprises and to train  
8349 appropriate department staff.

8350 Section 275. Subsection (2) of section 288.901, Florida  
8351 Statutes, is amended to read:

8352 288.901 Enterprise Florida, Inc.; creation; membership;

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8353 organization; meetings; disclosure.—

8354 (2) Enterprise Florida, Inc., shall establish one or more  
8355 corporate offices, at least one of which shall be located in  
8356 Leon County. The Executive Office of the Governor ~~Department of~~  
8357 ~~Management Services~~ may establish a lease agreement program  
8358 under which Enterprise Florida, Inc., may hire any individual  
8359 who, ~~as of June 30, 1996, is employed by the Department of~~  
8360 ~~Commerce or who, as of January 1, 1997, is employed by the~~  
8361 Executive Office of the Governor and has responsibilities  
8362 specifically in support of the Workforce Development Board  
8363 established under s. 445.004 ~~288.9620~~. Under such agreement, the  
8364 employee shall retain his or her status as a state employee but  
8365 shall work under the direct supervision of Enterprise Florida,  
8366 Inc. Retention of state employee status includes ~~shall include~~  
8367 the right to participate in the Florida Retirement System. The  
8368 office ~~Department of Management Services~~ shall establish the  
8369 terms and conditions of such lease agreements.

8370 Section 276. Paragraph (a) of subsection (3), paragraphs  
8371 (d) and (e) of subsection (5), paragraph (a) of subsection (6),  
8372 and subsections (7) and (9) of section 295.187, Florida  
8373 Statutes, are amended to read:

8374 295.187 Florida Service-Disabled Veteran Business  
8375 Enterprise Opportunity Act.—

8376 (3) DEFINITIONS.—For the purpose of this section, the term:

8377 (a) "Certified service-disabled veteran business  
8378 enterprise" means a business that has been certified by the  
8379 Department of Financial ~~Management~~ Services to be a service-  
8380 disabled veteran business enterprise ~~as defined in paragraph~~  
8381 ~~(e)~~.

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8382 (5) CERTIFICATION PROCEDURE.—

8383 (d) A certified service-disabled veteran business  
8384 enterprise must notify the Department of Financial Management  
8385 Services within 30 business days after any event that may  
8386 significantly affect the certification of the business,  
8387 including, but not limited to, a change in ownership or change  
8388 in management and daily business operations.

8389 (e) The certification of a service-disabled veteran  
8390 business enterprise shall be revoked for 12 months if the  
8391 Department of Financial Management Services determines that the  
8392 business enterprise violated paragraph (d). An owner of a  
8393 certified service-disabled veteran business enterprise whose  
8394 certification is revoked may ~~is~~ not ~~permitted to~~ reapply for  
8395 certification under this section as an owner of any business  
8396 enterprise during the 12-month revocation period.

8397 1. During the 12-month revocation period, a service-  
8398 disabled veteran business enterprise whose certification has  
8399 been revoked may bid on state contracts but is not eligible for  
8400 any preference available under this section.

8401 2. A service-disabled veteran business enterprise whose  
8402 certification has been revoked may apply for certification at  
8403 the conclusion of the 12-month revocation period by complying  
8404 with requirements applicable to initial certifications.

8405 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The  
8406 department shall:

8407 (a) Assist the Department of Financial Management Services  
8408 in establishing a certification procedure, which shall be  
8409 reviewed biennially and updated as necessary.

8410 (7) DUTIES OF THE DEPARTMENT OF FINANCIAL MANAGEMENT

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8411 SERVICES.—The department shall:

8412 (a) With assistance from the Department of Veterans'  
8413 Affairs, establish a certification procedure, which shall be  
8414 reviewed biennially and updated as necessary.

8415 (b) Grant, deny, or revoke the certification of a service-  
8416 disabled veteran business enterprise under this section.

8417 (c) Maintain an electronic directory of certified service-  
8418 disabled veteran business enterprises for use by the state,  
8419 political subdivisions of the state, and the public.

8420 (9) RULES.—The Department of Veterans' Affairs and the  
8421 Department of Financial Management Services, as appropriate, may  
8422 adopt rules as necessary to administer this section.

8423 Section 277. Subsection (17) of section 318.18, Florida  
8424 Statutes, is amended to read:

8425 318.18 Amount of penalties.—The penalties required for a  
8426 noncriminal disposition pursuant to s. 318.14 or a criminal  
8427 offense listed in s. 318.17 are as follows:

8428 (17) In addition to any penalties imposed, a surcharge of  
8429 \$3 must be paid for all criminal offenses listed in s. 318.17  
8430 and for all noncriminal moving traffic violations under chapter  
8431 316. Revenue from the surcharge shall be remitted to the  
8432 Department of Revenue and deposited quarterly into the State  
8433 Agency Law Enforcement Radio System Trust Fund of the Department  
8434 of Law Enforcement Management Services for the state agency law  
8435 enforcement radio system, as described in s. 282.709, and to  
8436 provide technical assistance to state agencies and local law  
8437 enforcement agencies with their statewide systems of regional  
8438 law enforcement communications, as described in s. 282.710. This  
8439 subsection expires July 1, 2012. The Department of Law

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8440 Enforcement Management Services may retain funds sufficient to  
8441 recover the costs and expenses incurred for managing,  
8442 administering, and overseeing the Statewide Law Enforcement  
8443 Radio System, and providing technical assistance to state  
8444 agencies and local law enforcement agencies with their statewide  
8445 systems of regional law enforcement communications. The  
8446 Department of Law Enforcement Management Services working in  
8447 conjunction with the Joint Task Force on State Agency Law  
8448 Enforcement Communications shall determine and direct the  
8449 purposes for which these funds are used to enhance and improve  
8450 the radio system.

8451 Section 278. Subsection (9) of section 318.21, Florida  
8452 Statutes, is amended to read:

8453 318.21 Disposition of civil penalties by county courts.—All  
8454 civil penalties received by a county court pursuant to the  
8455 provisions of this chapter shall be distributed and paid monthly  
8456 as follows:

8457 (9) Twelve dollars and fifty cents from each moving traffic  
8458 violation must be used by the county to fund that county's  
8459 participation in an intergovernmental radio communication  
8460 program approved by the Department of Law Enforcement Management  
8461 ~~Services~~. If the county is not participating in such a program,  
8462 funds collected must be used to fund local law enforcement  
8463 automation and must be distributed to the municipality or  
8464 special improvement district in which the violation occurred or  
8465 to the county if the violation occurred within the  
8466 unincorporated area of the county.

8467 Section 279. Section 320.0802, Florida Statutes, is amended  
8468 to read:

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8469           320.0802 Surcharge on license tax.—A \$1 surcharge ~~There is~~  
8470 ~~hereby~~ levied and imposed on each license tax imposed under s.  
8471 320.08, except those set forth in s. 320.08(11), ~~a surcharge in~~  
8472 ~~the amount of \$1,~~ which shall be collected in the same manner as  
8473 the license tax and deposited into the State Agency Law  
8474 Enforcement Radio System Trust Fund of the Department of Law  
8475 Enforcement Management Services.

8476           Section 280. Subsection (7) of section 320.08056, Florida  
8477 Statutes, is amended to read:

8478           320.08056 Specialty license plates.—

8479           (7) The department shall annually retain from the first  
8480 proceeds derived from the annual use fees collected an amount  
8481 sufficient to defray each specialty plate's pro rata share of  
8482 the department's costs directly related to the specialty license  
8483 plate program. Such costs must ~~shall~~ include inventory costs,  
8484 distribution costs, direct costs to the department, costs  
8485 associated with reviewing each organization's compliance with  
8486 audit and attestation requirements of s. 320.08062, and any  
8487 applicable increased costs of manufacturing the specialty  
8488 license plate. Any cost increase to the department related to  
8489 actual cost of the plate, including a reasonable vendor profit,  
8490 shall be verified by the Department of Financial Management  
8491 Services. The balance of the proceeds from the annual use fees  
8492 collected for that specialty license plate shall be distributed  
8493 as provided by law.

8494           Section 281. Subsection (1) of section 321.04, Florida  
8495 Statutes, is amended to read:

8496           321.04 Personnel of the highway patrol; rank  
8497 classifications; probationary status of new patrol officers;

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8498 subsistence; special assignments.—

8499 (1) The Department of Highway Safety and Motor Vehicles  
8500 shall employ patrol officers, as authorized by the Legislature  
8501 in appropriating funds for their salaries exclusive of those  
8502 members of the patrol who are assigned to and paid by special  
8503 departments; and shall establish the necessary supervisory ranks  
8504 within the Florida Highway Patrol to efficiently supervise and  
8505 carry out the designated functions of the patrol and the  
8506 department in accordance with rules ~~the regulations~~ established  
8507 by the Department of Personnel Management Services.

8508 Section 282. Subsection (9) of section 328.72, Florida  
8509 Statutes, is amended to read:

8510 328.72 Classification; registration; fees and charges;  
8511 surcharge; disposition of fees; fines; marine turtle stickers.—

8512 (9) SURCHARGE.—In addition, there is hereby levied and  
8513 imposed on each vessel registration fee imposed under subsection  
8514 (1) a surcharge in the amount of \$1 for each 12-month period of  
8515 registration, which shall be collected in the same manner as the  
8516 fee and deposited into the State Agency Law Enforcement Radio  
8517 System Trust Fund of the Department of Law Enforcement  
8518 ~~Management Services~~.

8519 Section 283. Subsections (1) and (2) of section 337.02,  
8520 Florida Statutes, are amended to read:

8521 337.02 Purchases by department subject to competitive bids;  
8522 advertisement; emergency purchases; bid specifications.—

8523 (1) Except as provided herein, purchase by the Department  
8524 of Transportation of commodities, including the advertising and  
8525 awarding of competitive bids, are ~~shall be~~ governed by chapters  
8526 283 and 287 and rules adopted by the Department of Financial

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8527 Management Services pursuant thereto. However, ~~the provisions of~~  
8528 s. 287.057 notwithstanding, the department may purchase parts  
8529 and repairs valued at up to the threshold amount provided in s.  
8530 287.017 for CATEGORY TWO for the repair of mobile road  
8531 maintenance equipment, marine vessels, permanent vehicle scales,  
8532 and mechanical and electrical equipment for movable bridges,  
8533 toll facilities including the Florida Turnpike, and up to the  
8534 threshold amount provided in s. 287.017 for CATEGORY THREE for  
8535 treatment plants and lift stations for water and sewage, and  
8536 major heating and cooling systems without receiving competitive  
8537 bids.

8538 (2) If the department determines that an emergency exists  
8539 in regard to the purchase of materials, machinery, tools,  
8540 equipment, or supplies, so that the delay incident to ~~giving~~  
8541 ~~opportunity for~~ competitive bidding is ~~would be~~ detrimental to  
8542 the interests of the state, the provisions for competitive  
8543 bidding do not apply; and the department may authorize or  
8544 purchase such materials, machinery, tools, equipment, or  
8545 supplies without ~~giving opportunity for~~ competitive bidding  
8546 ~~thereon~~. The department shall, within 10 days after such  
8547 determination and purchase, file with the Chief Financial  
8548 Officer ~~head of the Department of Management Services~~ a written  
8549 statement of the materials, machinery, tools, equipment, or  
8550 supplies purchased and a certificate as to the conditions and  
8551 circumstances constituting such emergency.

8552 Section 284. Section 337.023, Florida Statutes, is amended  
8553 to read:

8554 337.023 Sale of building; acceptance of replacement  
8555 building.—Notwithstanding ~~the provisions of~~ s. 216.292(2)(b)2.,

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8556 if the department sells a building, the department may accept  
8557 the construction of a replacement building, in response to a  
8558 request for proposals, totally or partially in lieu of cash, and  
8559 may do so without a specific legislative appropriation. Such  
8560 action is subject to the approval of the Executive Office of the  
8561 Governor, and is subject to the notice, review, and objection  
8562 procedures under s. 216.177. The replacement building shall be  
8563 consistent with the current and projected needs of the  
8564 department as agreed upon by the department and the Department  
8565 of Environmental Protection ~~Management Services~~.

8566 Section 285. Paragraph (d) of subsection (2) of section  
8567 337.165, Florida Statutes, is amended to read:

8568 337.165 Contract crime; denial or revocation of a  
8569 certificate of qualification.—

8570 (2)

8571 (d) A contractor or affiliate whose certificate has been  
8572 denied or revoked may, at any time after denial or revocation,  
8573 petition for and be granted a hearing to determine his or her  
8574 eligibility for reapplication or reinstatement upon such terms  
8575 and conditions as may be prescribed upon finding that  
8576 reapplication or reinstatement is in the public interest. The  
8577 petition shall be filed with the department. Any hearing  
8578 conducted by the department must ~~shall~~ be conducted within 30  
8579 days after receipt of the petition, unless otherwise stipulated  
8580 by the parties. If the contractor or affiliate requests in the  
8581 ~~his or her~~ petition that the hearing be conducted by the  
8582 Division of Administrative Hearings ~~of the Department of~~  
8583 ~~Management Services~~, the department shall, within 5 days after  
8584 receipt of the petition, notify the division of the request. The

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8585 director of the Division of Administrative Hearings shall,  
8586 within 5 days after receipt of the notice by the department,  
8587 assign an administrative law judge, who shall conduct the  
8588 hearing within 30 days ~~thereafter~~, unless otherwise stipulated  
8589 by the parties. The department shall be a party in interest in  
8590 any hearing conducted by the division ~~of Administrative~~  
8591 ~~Hearings~~. In determining whether reapplication or reinstatement  
8592 would be in the public interest, the department or ~~division~~  
8593 administrative law judge shall give consideration to any  
8594 relevant mitigating circumstances, which may include, but are  
8595 not limited to, the following:

- 8596 1. The degree of culpability;
- 8597 2. Prompt and voluntary payment of damages to the state as  
8598 a result of the contractor's violation of state or federal  
8599 antitrust laws;
- 8600 3. Cooperation with any state or federal prosecution or  
8601 investigation of a contract crime;
- 8602 4. Disassociation with those involved in a contract crime;
- 8603 5. Reinstatement in other state or federal jurisdictions;
- 8604 and
- 8605 6. The needs of the department in completing its programs  
8606 in a timely, cost-effective manner.

8607  
8608 The department or ~~division~~ administrative law judge shall also  
8609 consider the failure of the contractor or affiliate to comply  
8610 with the notification provisions of subsection (5). Any hearing  
8611 requested under this paragraph must ~~shall~~ be conducted and  
8612 concluded without undue delay. The administrative law judge  
8613 shall, within 30 days after the hearing, complete and submit a

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8614 final order to the department, which ~~order~~ may not be altered or  
8615 amended by the department. If eligibility for reapplication or  
8616 reinstatement is denied, the contractor or affiliate may not  
8617 petition for a subsequent hearing for ~~a period of~~ 9 months  
8618 following the date of the order of denial or revocation.  
8619 However, a hearing before ~~prior to~~ the expiration of such period  
8620 may be authorized by the department if, ~~in its discretion,~~ it  
8621 determines that a hearing is in the public interest.

8622 Section 286. Subsection (2) of section 338.2216, Florida  
8623 Statutes, is amended to read:

8624 338.2216 Florida Turnpike Enterprise; powers and  
8625 authority.—

8626 (2) The department may ~~shall have the authority to~~ employ  
8627 procurement methods available to the Department of Financial  
8628 Management Services and the Department of Environmental  
8629 Protection under chapters 255 and 287 and under any rule adopted  
8630 under such chapters solely for the benefit of the turnpike  
8631 enterprise.

8632 Section 287. Subsection (4) of section 338.227, Florida  
8633 Statutes, is amended to read:

8634 338.227 Turnpike revenue bonds.—

8635 (4) The Department of Transportation and the Department of  
8636 Financial Management Services shall create and implement an  
8637 outreach program designed to enhance the participation of  
8638 minority persons and minority business enterprises in all  
8639 contracts entered into by their respective departments for  
8640 services related to the financing of department projects for the  
8641 Florida Intrastate Highway System Plan. These services must  
8642 ~~shall~~ include, but are not ~~be~~ limited to, bond counsel and bond

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8643 underwriters.

8644 Section 288. Subsection (3) of section 350.0614, Florida  
8645 Statutes, is amended to read:

8646 350.0614 Public Counsel; compensation and expenses.—

8647 (3) Neither the Executive Office of the Governor nor the  
8648 Department of Personnel Management ~~Services~~ or its successor may  
8649 ~~shall have power to~~ determine the number, or fix the  
8650 compensation, of the employees of the Public Counsel or to  
8651 exercise any ~~manner of~~ control over them.

8652 Section 289. Section 350.125, Florida Statutes, is amended  
8653 to read:

8654 350.125 Administrative law judges.—Notwithstanding any  
8655 other provision of law ~~to the contrary notwithstanding~~, the  
8656 commission shall use ~~utilize~~ administrative law judges of the  
8657 Division of Administrative Hearings ~~of the Department of~~  
8658 ~~Management Services~~ to conduct hearings of the commission not  
8659 assigned to members of the commission.

8660 Section 290. Subsection (2) of section 364.0135, Florida  
8661 Statutes, is amended to read:

8662 364.0135 Promotion of broadband deployment.—

8663 (2) The Agency for Enterprise Information Technology shall  
8664 ~~Department of Management Services is authorized to~~ work  
8665 collaboratively with, and ~~to~~ receive staffing support and other  
8666 resources from, Enterprise Florida, Inc., state agencies, local  
8667 governments, private businesses, and community organizations to:

8668 (a) Conduct a needs assessment of broadband Internet  
8669 service in collaboration with communications service providers,  
8670 including, but not limited to, wireless and wireline Internet  
8671 service providers, to develop geographical information system

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8672 maps at the census tract level that will:

8673       1. Identify geographic gaps in broadband services,  
8674 including areas unserved by any broadband provider and areas  
8675 served by a single broadband provider;

8676       2. Identify the download and upload transmission speeds  
8677 made available to businesses and individuals in the state, at  
8678 the census tract level of detail, using data rate benchmarks for  
8679 broadband service used by the Federal Communications Commission  
8680 to reflect different speed tiers; and

8681       3. Provide a baseline assessment of statewide broadband  
8682 deployment in terms of percentage of households with broadband  
8683 availability.

8684       (b) Create a strategic plan that has goals and strategies  
8685 for increasing the use of broadband Internet service in the  
8686 state.

8687       (c) Build and facilitate local technology planning teams or  
8688 partnerships with members representing cross-sections of the  
8689 community, which may include, but are not limited to,  
8690 representatives from the following organizations and industries:  
8691 libraries, K-12 education, colleges and universities, local  
8692 health care providers, private businesses, community  
8693 organizations, economic development organizations, local  
8694 governments, tourism, parks and recreation, and agriculture.

8695       (d) Encourage the use of broadband Internet service,  
8696 especially in the rural, unserved, and underserved communities  
8697 of the state through grant programs having effective strategies  
8698 to facilitate the statewide deployment of broadband Internet  
8699 service. For any grants to be awarded, priority must be given to  
8700 projects that:

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8701 1. Provide access to broadband education, awareness,  
8702 training, access, equipment, and support to libraries, schools,  
8703 colleges and universities, health care providers, and community  
8704 support organizations.

8705 2. Encourage investments in primarily unserved areas to  
8706 give consumers a choice of more than one broadband Internet  
8707 service provider.

8708 3. Work toward establishing affordable and sustainable  
8709 broadband Internet service in unserved areas of the state.

8710 4. Facilitate the development of applications, programs,  
8711 and services, including, but not limited to, telework,  
8712 telemedicine, and e-learning to increase the usage of, and  
8713 demand for, broadband Internet service in the state.

8714 Section 291. Subsections (2), (3), (4), (5), (6), and (9)  
8715 of section 364.515, Florida Statutes, are amended to read:

8716 364.515 Infrastructure investment.—

8717 (2) In order to be eligible under this act, an eligible  
8718 facility, or a group of eligible facilities based on geographic  
8719 proximity, shall submit a technology-needs request to the Agency  
8720 for Enterprise Information Technology ~~Department of Management~~  
8721 ~~Services~~. The agency ~~department~~ shall review the technology-  
8722 needs request to determine if it conforms to the standards  
8723 outlined in the State Education Technology Committee's plan. If  
8724 the technology-needs request does not conform to the plan, ~~then~~  
8725 the agency ~~department~~ shall return the request to the eligible  
8726 facility or group for modifications. After modification of a  
8727 technology-needs request it can ~~then~~ be resubmitted by the  
8728 eligible facility or a group of eligible facilities. A  
8729 technology-needs request shall be submitted to the agency by

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8730 ~~department no later than July 1, 1997. Nothing in this section~~  
8731 ~~shall prevent~~ The agency may group ~~Department of Management~~  
8732 ~~Services from grouping~~ eligible facilities technology requests  
8733 if ~~when~~ such grouping would result in the most efficient method  
8734 to deliver advanced telecommunications services.

8735 (3) Once a technology-needs request or group request has  
8736 been received and has been determined to meet the standards  
8737 outlined in the plan, the Agency for Enterprise Information  
8738 Technology ~~Department of Management Services~~ shall acquire  
8739 advanced telecommunications services requested by an eligible  
8740 facility or group of eligible facilities pursuant to chapter  
8741 287. The agency ~~Department of Management Services~~ shall  
8742 establish specifications to acquire the advanced  
8743 telecommunications infrastructure needed to provide advanced  
8744 telecommunications services. The advanced telecommunications  
8745 infrastructure used to provide ~~such~~ connections to the eligible  
8746 facilities shall be provided at no cost in an amount not to  
8747 exceed \$20,000 per eligible facility. If ~~In those instances in~~  
8748 ~~which~~ a competitive bid is not received, advanced  
8749 telecommunications services to be provided over this  
8750 communication infrastructure must ~~shall~~ be priced below  
8751 commercially available rates for comparable service and less  
8752 than the statewide average of such services.

8753 (4) Notwithstanding ~~the requirements in~~ subsection (3), in  
8754 geographic areas where interconnection between entities is the  
8755 most efficient method of providing advanced telecommunications  
8756 services, the Agency for Enterprise Information Technology  
8757 ~~Department of Management Services~~ may suggest, along with the  
8758 commission, such interconnection arrangements.

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8759 (5) Any entity may submit a bid or proposal in response to  
8760 the solicitation for services by the Agency for Enterprise  
8761 Information Technology Department of Management Services. The  
8762 agency Department of Management Services shall award a bid in  
8763 conformity with chapter 287, and may not require ~~under no~~  
8764 ~~circumstances shall~~ the bidder ~~be required~~ to install facilities  
8765 until the eligible facility is ready to use ~~utilize~~ the  
8766 services. If no bids or proposals are received in response to a  
8767 solicitation ~~issued by the Department of Management Services,~~  
8768 the agency Department of Management Services shall obtain the  
8769 name and address from the commission of the carrier of last  
8770 resort in the territory of the eligible facility and provide  
8771 that carrier ~~of last resort~~ with a description of the advanced  
8772 telecommunications services that must be provided. If no bids or  
8773 proposals are submitted for the provision of advanced  
8774 telecommunications services to an eligible facility, the  
8775 telecommunications company serving as the carrier of last resort  
8776 to such eligible facility shall provide the advanced  
8777 telecommunications services.

8778 (6) Advanced telecommunications services to be provided by  
8779 the entity awarded the contract or, if no bid or proposal is  
8780 received, the carrier of last resort must ~~shall~~ be provided  
8781 within 6 months or at such later date as the eligible facility  
8782 may specify. If ~~In~~ the event that a technology-needs request is  
8783 received by July 1, 1997, but is requested not to be completed  
8784 until after January 1, 1999, the Agency for Enterprise  
8785 Information Technology Department of Management Services shall  
8786 ~~then~~ issue a solicitation closer to the time the advanced  
8787 telecommunications services are requested. The entities

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8788 providing advanced telecommunications services pursuant to this  
8789 chapter shall abide by the same terms and conditions as those  
8790 eligible facilities requesting such services by January 1, 1999.

8791 (9) ~~Nothing in~~ This part does not shall preclude the Agency  
8792 for Enterprise Information Technology Department of Management  
8793 Services from combining an eligible facility with any grouping  
8794 of qualified subscribers as defined in chapter 282, to create  
8795 the most cost-effective and efficient access to network  
8796 services.

8797 Section 292. Section 364.516, Florida Statutes, is amended  
8798 to read:

8799 364.516 Penalties.—If ~~In the event that~~ the provision of  
8800 advanced telecommunications services to a requesting eligible  
8801 facility pursuant to s. 364.515(5) or (6) is not performed by  
8802 the entity awarded the contract or by a carrier of last resort  
8803 or within the date specified in the solicitation, except in  
8804 those instances in which acts of God may have prevented the  
8805 bidder from completing the contract, the eligible facility or  
8806 the Agency for Enterprise Information Technology Department of  
8807 Management Services may petition the commission for an order  
8808 enforcing the requirements. The commission shall act upon such  
8809 petition within 60 days and, if ~~in the event~~ the commission  
8810 finds that the entity that has been awarded the contract or the  
8811 carrier of last resort has not performed as specified in this  
8812 part, the commission shall order the entities to perform as  
8813 required in the contract or by this part. If ~~In the event~~ the  
8814 entity fails to comply with the commission's order within 60  
8815 days, the commission shall impose a fine on the bidding company  
8816 or carrier of last resort of \$25,000 per eligible facility

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8817 specified in the contract. Any fines collected ~~under this~~  
8818 ~~section~~ shall be deposited in the General Revenue Fund to be  
8819 allocated back to the specific requesting area where the  
8820 eligible facility is located to implement advanced  
8821 telecommunications services.

8822 Section 293. Paragraph (a) of subsection (3) of section  
8823 365.171, Florida Statutes, is amended to read:

8824 365.171 Emergency communications number E911 state plan.—

8825 (3) DEFINITIONS.—As used in this section, the term:

8826 (a) "Office" means the Technology Program within the  
8827 Department of Law Enforcement Management Services, as designated  
8828 by the department's executive director ~~secretary of the~~  
8829 ~~department~~.

8830 Section 294. Paragraph (t) of subsection (3), paragraph (a)  
8831 of subsection (6), paragraph (c) of subsection (7), and  
8832 paragraph (f) of subsection (12) of section 365.172, Florida  
8833 Statutes, are amended to read:

8834 365.172 Emergency communications number "E911."—

8835 (3) DEFINITIONS.—Only as used in this section and ss.  
8836 365.171, 365.173, and 365.174, the term:

8837 (t) "Office" means the Technology Program within the  
8838 Department of Law Enforcement Management Services, as designated  
8839 by the department's executive director ~~secretary of the~~  
8840 ~~department~~.

8841 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

8842 (a) The board shall:

- 8843 1. Administer the E911 fee.
- 8844 2. Implement, maintain, and oversee the fund.
- 8845 3. Review and oversee the disbursement of the revenues

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8846 deposited into the fund as provided in s. 365.173.

8847 a. The board may establish a schedule for implementing  
8848 wireless E911 service by service area, and prioritize  
8849 disbursements of revenues from the fund to providers and rural  
8850 counties as provided in s. 365.173(2)(d) and (g) pursuant to the  
8851 schedule, in order to implement E911 services in the most  
8852 efficient and cost-effective manner.

8853 b. Revenues in the fund which have not been disbursed  
8854 because sworn invoices ~~as~~ required by s. 365.173(2)(d) have not  
8855 been submitted to the board may be used by the board as needed  
8856 to provide grants to counties for the purpose of upgrading E911  
8857 systems. The counties must use the funds only for capital  
8858 expenditures directly attributable to establishing and  
8859 provisioning E911 services, which may include next-generation  
8860 deployment. Before distributing the ~~Prior to the distribution of~~  
8861 grants, the board shall provide 90 days' written notice to all  
8862 counties and publish ~~electronically~~ an approved application  
8863 process electronically. County grant applications shall be  
8864 prioritized based on the availability of funds, current system  
8865 life expectancy, system replacement needs, and Phase II  
8866 compliance per the Federal Communications Commission. No grants  
8867 will be available to any county for next-generation deployment  
8868 until all counties are Phase II complete. The board shall take  
8869 all actions within its authority to ensure that county  
8870 recipients of such grants use these funds only for the purpose  
8871 under which they have been provided and may take any actions  
8872 within its authority to secure county repayment of grant  
8873 revenues upon determination that the funds were not used for the  
8874 purpose for ~~under~~ which they were provided.

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8875 c. The board shall reimburse all costs of a wireless  
8876 provider in accordance with s. 365.173(2)(d) before taking any  
8877 action to transfer additional funds.

8878 d. By September 1, 2007, the board shall authorize the  
8879 transfer of up to \$15 million to the counties from existing  
8880 money within the fund established under s. 365.173(1). The money  
8881 shall be disbursed equitably to all of the counties using a  
8882 timeframe and distribution methodology established by the board  
8883 before September 1, 2007, in order to prevent a loss to the  
8884 counties in the ordinary and expected time value of money caused  
8885 by any timing delay in remittance to the counties of wireline  
8886 fees caused by the one-time transfer of collecting wireline fees  
8887 by the counties to the board. All disbursements for this purpose  
8888 must be returned to the fund from future remittances by the  
8889 nonwireless category.

8890 e. After taking the action required in sub-subparagraphs  
8891 a.-d., the board may review and, with all members participating  
8892 in the vote, adjust the percentage allocations or adjust the  
8893 amount of the fee, or both, under paragraph (8)(h), and, if the  
8894 board determines that the revenues in the wireless category  
8895 exceed the amount needed to reimburse wireless providers for the  
8896 cost to implement E911 services, the board may transfer revenue  
8897 to the counties from the existing funds within the wireless  
8898 category. The board shall disburse the funds equitably to all  
8899 counties using a timeframe and distribution methodology  
8900 established by the board.

8901 4. Review documentation submitted by wireless providers  
8902 which reflects current and projected funds derived from the fee,  
8903 and the expenses incurred and expected to be incurred in order

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8904 to comply with the E911 service requirements contained in the  
8905 order for the purposes of:

8906 a. Ensuring that wireless providers receive fair and  
8907 equitable distributions of funds from the fund.

8908 b. Ensuring that wireless providers are not provided  
8909 disbursements from the fund which exceed the costs of providing  
8910 E911 service, including the costs of complying with the order.

8911 c. Ascertaining the projected costs of compliance with the  
8912 requirements of the order and projected collections of the fee.

8913 d. Implementing changes to the allocation percentages or  
8914 adjusting the fee under paragraph (8) (i).

8915 5. Meet monthly in the most efficient and cost-effective  
8916 manner, including telephonically if ~~when~~ practical, ~~for the~~  
8917 ~~business to be conducted~~, to review and approve or reject, in  
8918 whole or in part, applications submitted by wireless providers  
8919 for recovery of moneys deposited into the wireless category, and  
8920 to authorize the transfer of, and distribute, the fee allocation  
8921 to the counties.

8922 6. Hire and retain employees, which may include an  
8923 independent executive director who must ~~shall~~ possess experience  
8924 in ~~the area of~~ telecommunications and emergency 911 issues, for  
8925 the purposes of performing the technical and administrative  
8926 functions for the board.

8927 7. Make and enter into contracts, pursuant to chapter 287,  
8928 and execute other instruments necessary or convenient for the  
8929 exercise of the powers and functions of the board.

8930 8. Sue and be sued, and appear and defend in all actions  
8931 and proceedings, in its corporate name to the same extent as a  
8932 natural person.

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- 8933 9. Adopt, use, and alter a common corporate seal.
- 8934 10. Elect or appoint the officers and agents that are  
8935 required by the affairs of the board.
- 8936 11. The board may adopt rules ~~under ss. 120.536(1) and~~  
8937 ~~120.54~~ to implement this section and ss. 365.173 and 365.174.
- 8938 12. Provide coordination, support, and technical assistance  
8939 to counties to promote the deployment of advanced 911 and E911  
8940 systems in the state.
- 8941 13. Provide coordination and support for educational  
8942 opportunities related to E911 issues for the E911 community in  
8943 this state.
- 8944 14. Act as an advocate for issues related to E911 system  
8945 functions, features, and operations to improve the delivery of  
8946 E911 services to the residents of and visitors to this state.
- 8947 15. Coordinate input from this state at national forums and  
8948 associations, to ensure that policies related to E911 systems  
8949 and services are consistent with the policies of the E911  
8950 community in this state.
- 8951 16. Work cooperatively with the system director established  
8952 in s. 365.171(5) to enhance the state of E911 services in this  
8953 state and to provide unified leadership for all E911 issues  
8954 through planning and coordination.
- 8955 17. Do all acts and things necessary or convenient to carry  
8956 out the powers granted in this section in a manner that is  
8957 competitively and technologically neutral as to all voice  
8958 communications services providers, including, but not limited  
8959 to, consideration of emerging technology and related cost  
8960 savings, while taking into account embedded costs in current  
8961 systems.

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8962 18. Have ~~the~~ authority to secure the services of an  
8963 independent, private attorney via invitation to bid, request for  
8964 proposals, invitation to negotiate, or professional contracts  
8965 for legal services already established at the Division of  
8966 Purchasing of the Department of Financial Management Services.

8967 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.—

8968 (c) ~~After July 1, 2004,~~ The board may secure the services  
8969 of an independent accounting firm via invitation to bid, request  
8970 for proposals, invitation to negotiate, or professional  
8971 contracts already established at the Division of Purchasing,  
8972 Department of Financial Management Services, for certified  
8973 public accounting firms, or the board may hire and retain  
8974 professional accounting staff to accomplish these functions.

8975 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance  
8976 the public need for reliable E911 services through reliable  
8977 wireless systems and the public interest served by governmental  
8978 zoning and land development regulations and notwithstanding any  
8979 other law or local ordinance to the contrary, the following  
8980 standards shall apply to a local government's actions, as a  
8981 regulatory body, in the regulation of the placement,  
8982 construction, or modification of a wireless communications  
8983 facility. This subsection shall not, however, be construed to  
8984 waive or alter the provisions of s. 286.011 or s. 286.0115. For  
8985 the purposes of this subsection only, "local government" shall  
8986 mean any municipality or county and any agency of a municipality  
8987 or county only. The term "local government" does not, however,  
8988 include any airport, as defined by s. 330.27(2), even if it is  
8989 owned or controlled by or through a municipality, county, or  
8990 agency of a municipality or county. Further, notwithstanding

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8991 anything in this section to the contrary, this subsection does  
8992 not apply to or control a local government's actions as a  
8993 property or structure owner in the use of any property or  
8994 structure owned by such entity for the placement, construction,  
8995 or modification of wireless communications facilities. In the  
8996 use of property or structures owned by the local government,  
8997 however, a local government may not use its regulatory authority  
8998 so as to avoid compliance with, or in a manner that does not  
8999 advance, the provisions of this subsection.

9000 (f) Notwithstanding any other law ~~to the contrary~~  
9001 ~~notwithstanding~~, the Department of Law Enforcement Management  
9002 ~~Services~~ shall negotiate, in the name of the state, leases for  
9003 wireless communications facilities that provide access to state  
9004 government-owned property not acquired for transportation  
9005 purposes, and the Department of Transportation shall negotiate,  
9006 in the name of the state, leases for wireless communications  
9007 facilities that provide access to property acquired for state  
9008 rights-of-way. On property acquired for transportation purposes,  
9009 leases shall be granted in accordance with s. 337.251. On other  
9010 state government-owned property, leases shall be granted on a  
9011 space available, first-come, first-served basis. Payments  
9012 required by state government under a lease must be reasonable  
9013 and must reflect the market rate for the use of the state  
9014 government-owned property. The Department of Law Enforcement  
9015 ~~Management Services~~ and the Department of Transportation may ~~are~~  
9016 ~~authorized to~~ adopt rules for the terms and conditions and  
9017 granting of any such leases.

9018 Section 295. Subsection (1) of section 365.173, Florida  
9019 Statutes, is amended to read:

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9020 365.173 Emergency Communications Number E911 System Fund.—

9021 (1) All revenues derived from the fee levied on subscribers  
9022 under s. 365.172 must be paid by the board into the State  
9023 Treasury on or before the 15th day of each month. Such moneys  
9024 must be accounted for in a special fund to be designated as the  
9025 Emergency Communications Number E911 System Fund, a fund created  
9026 in the Technology Program within the Department of Law  
9027 Enforcement, or other office as designated by the department's  
9028 executive director ~~Secretary of Management Services~~, and, for  
9029 accounting purposes, must be segregated into ~~two separate~~  
9030 ~~categories:~~

9031 ~~(a)~~ the wireless category; and

9032 ~~(b)~~ the nonwireless category. All moneys must be invested  
9033 by the Chief Financial Officer pursuant to s. 17.61. All moneys  
9034 in such fund are to be expended by the office for the purposes  
9035 provided in this section and s. 365.172. These funds are not  
9036 subject to s. 215.20.

9037 Section 296. Section 373.4596, Florida Statutes, is amended  
9038 to read:

9039 373.4596 State compliance with stormwater management  
9040 programs.—The state, through the department ~~of Management~~  
9041 ~~Services~~, the Department of Transportation, and other agencies,  
9042 shall construct, operate, and maintain buildings, roads, and  
9043 other facilities it owns, leases, or manages to fully comply  
9044 with state, water management district, and local government  
9045 stormwater management programs.

9046 Section 297. Paragraph (f) of subsection (5) of section  
9047 373.461, Florida Statutes, is amended to read:

9048 373.461 Lake Apopka improvement and management.—

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9049 (5) PURCHASE OF AGRICULTURAL LANDS.—

9050 (f)1. Tangible personal property acquired by the district  
9051 as part of related facilities pursuant to this section, and  
9052 classified as surplus by the district, shall be sold by the  
9053 Department of Financial Management Services. The department ~~of~~  
9054 ~~Management Services~~ shall deposit the proceeds of such sale in  
9055 the Economic Development Trust Fund in the Executive Office of  
9056 the Governor. The proceeds shall be used to provide for the  
9057 ~~purpose of providing~~ economic and infrastructure development in  
9058 portions of northwestern Orange County and east central Lake  
9059 County which will be adversely affected economically due to the  
9060 acquisition of lands pursuant to this subsection.

9061 2. The Office of Tourism, Trade, and Economic Development  
9062 shall, upon presentation of ~~the~~ appropriate documentation  
9063 justifying expenditure of the funds deposited pursuant to this  
9064 paragraph, pay any obligation for which it has sufficient funds  
9065 from the proceeds of the sale of tangible personal property and  
9066 which meets the limitations specified in paragraph (g). The  
9067 authority of the office ~~of Tourism, Trade, and Economic~~  
9068 ~~Development~~ to expend such funds shall expire 5 years after ~~from~~  
9069 the effective date of this paragraph. Such expenditures may  
9070 occur without future appropriation from the Legislature.

9071 3. Funds deposited under this paragraph may not be used for  
9072 any purpose other than those enumerated in paragraph (g).

9073 Section 298. Section 376.10, Florida Statutes, is amended  
9074 to read:

9075 376.10 Personnel and equipment.—The department shall  
9076 establish and maintain at ~~such~~ ports within the state and other  
9077 places as it shall determine such employees and equipment as in

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9078 its judgment may be necessary to carry out ~~the provisions of~~ ss.  
9079 376.011-376.21. The department may employ and prescribe the  
9080 duties of such employees, subject to the rules ~~and regulations~~  
9081 of the Department of Personnel Management Services. The salaries  
9082 of the employees and the cost of the equipment shall be paid  
9083 from the Florida Coastal Protection Trust Fund established by  
9084 ss. 376.011-376.21. The department shall periodically consult  
9085 with other agencies ~~departments~~ of the state relative to  
9086 procedures for the prevention of discharges of pollutants into  
9087 or affecting the coastal waters of the state from operations  
9088 regulated by ss. 376.011-376.21.

9089 Section 299. Paragraph (k) of subsection (2) of section  
9090 377.703, Florida Statutes, is amended to read:

9091 377.703 Additional functions of the Florida Energy and  
9092 Climate Commission.—

9093 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
9094 commission shall perform the following functions consistent with  
9095 the development of a state energy policy:

9096 (k) The commission shall coordinate energy-related programs  
9097 of state government, including, but not limited to, the programs  
9098 provided in this section. To this end, the commission shall:

9099 1. Provide assistance to other state agencies, counties,  
9100 municipalities, and regional planning agencies to further and  
9101 promote their energy planning activities.

9102 2. Require, in cooperation with the Department of  
9103 Environmental Protection ~~Management Services~~, that all state  
9104 agencies ~~to~~ operate state-owned and state-leased buildings in  
9105 accordance with energy conservation standards ~~as~~ adopted by the  
9106 department ~~of Management Services~~. Every 3 months, the

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9107 department ~~of Management Services~~ shall furnish the commission  
9108 with data on agencies' energy consumption and emissions of  
9109 greenhouse gases in a format prescribed by the commission.

9110 3. Promote the development and use of renewable energy  
9111 resources, energy efficiency technologies, and conservation  
9112 measures.

9113 4. Promote the recovery of energy from wastes, including,  
9114 but not limited to, the use of waste heat, the use of  
9115 agricultural products as a source of energy, and recycling of  
9116 manufactured products. Such promotion must ~~shall~~ be conducted in  
9117 conjunction with, and after consultation with, the Department of  
9118 Environmental Protection and the Florida Public Service  
9119 Commission where electrical generation or natural gas is  
9120 involved, and any other relevant federal, state, or local  
9121 governmental agency having responsibility for resource recovery  
9122 programs.

9123 Section 300. Subsection (9) of section 381.98, Florida  
9124 Statutes, is amended to read:

9125 381.98 The Florida Public Health Institute, Inc.;  
9126 establishment; purpose; mission; duties; board of directors.—

9127 (9) The corporation may purchase goods, services, and  
9128 property for use by the Department of Health. These purchases  
9129 are not subject to the provisions of chapters 253, 255, and 287,  
9130 or ~~nor~~ to the control or direction of the Department of  
9131 Environmental Protection or the Department of Financial  
9132 ~~Management~~ Services.

9133 Section 301. Section 394.9151, Florida Statutes, is amended  
9134 to read:

9135 394.9151 Contract authority.—The Department of Children and

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9136 Family Services may contract with a private entity or state  
9137 agency for use of and operation of facilities to comply with the  
9138 requirements of this part ~~act~~. The department ~~of Children and~~  
9139 ~~Family Services~~ may also contract with the Department of  
9140 Financial Management Services to issue a request for proposals  
9141 and monitor contract compliance for these services.

9142 Section 302. Section 395.1031, Florida Statutes, is amended  
9143 to read:

9144 395.1031 Emergency medical services; communication.—Each  
9145 licensed hospital with an emergency department must be capable  
9146 of communicating by two-way radio with all ground-based basic  
9147 life support service vehicles and advanced life support service  
9148 vehicles that operate within the hospital's service area under a  
9149 state permit and with all rotorcraft air ambulances that operate  
9150 under a state permit. The hospital's radio system must be  
9151 capable of interfacing with municipal mutual aid channels  
9152 designated by the Department of Law Enforcement Management  
9153 ~~Services~~ and the Federal Communications Commission.

9154 Section 303. Subsection (5) of section 400.121, Florida  
9155 Statutes, is amended to read:

9156 400.121 Denial, suspension, revocation of license;  
9157 administrative fines; procedure; order to increase staffing.—

9158 (5) An action taken by the agency to deny, suspend, or  
9159 revoke a facility's license under this part or part II of  
9160 chapter 408 shall be heard by the Division of Administrative  
9161 Hearings ~~of the Department of Management Services~~ within 60 days  
9162 after the assignment of an administrative law judge, unless the  
9163 time limitation is waived by both parties. The administrative  
9164 law judge must render a decision within 30 days after receipt of

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9165 a proposed recommended order.

9166 Section 304. Section 401.013, Florida Statutes, is amended  
9167 to read:

9168 401.013 Legislative intent.—It is the intention ~~and purpose~~  
9169 of the Legislature that a statewide system of regional emergency  
9170 medical telecommunications be developed whereby maximum use of  
9171 existing radio channels is achieved in order to more effectively  
9172 and rapidly provide emergency medical service to the general  
9173 population. To this end, all emergency medical service entities  
9174 within the state are directed to provide the Department of Law  
9175 Enforcement Management Services with any information the  
9176 department requests for the purpose of implementing ~~the~~  
9177 ~~provisions of s. 401.015~~, and such entities shall comply with  
9178 the resultant provisions established pursuant to this part.

9179 Section 305. Section 401.015, Florida Statutes, is amended  
9180 to read:

9181 401.015 Statewide regional emergency medical  
9182 telecommunication system.—The Department of Law Enforcement  
9183 shall ~~Management Services is authorized and directed to develop~~  
9184 a statewide system of regional emergency medical  
9185 telecommunications. For the purpose of this part, the term  
9186 "telecommunications" means those voice, data, and signaling  
9187 transmissions and receptions between emergency medical service  
9188 components, including, but not limited to: ambulances; rescue  
9189 vehicles; hospitals or other related emergency receiving  
9190 facilities; emergency communications centers; physicians and  
9191 emergency medical personnel; paging facilities; law enforcement  
9192 and fire protection agencies; and poison control, suicide, and  
9193 emergency management agencies. In formulating such a system, the

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9194 department shall divide the state into appropriate regions and  
9195 shall develop a program that ~~which~~ includes, but is not limited  
9196 to, ~~the following provisions:~~

9197 (1) A requirements provision that states, ~~which shall state~~  
9198 the telecommunications requirements for each emergency medical  
9199 entity comprising the region.

9200 (2) An interfacility communications provision that depicts,  
9201 ~~which shall depict~~ the telecommunications interfaces between the  
9202 various medical service entities that ~~which~~ operate within the  
9203 region and state.

9204 (3) An organizational layout provision that includes, ~~which~~  
9205 ~~shall include~~ each emergency medical entity and the number of  
9206 base, mobile, handheld, or other radio operating units (~~base,~~  
9207 ~~mobile, handheld, etc.~~) per entity.

9208 (4) A frequency allocation and use provision that includes,  
9209 ~~which shall include~~ on an entity basis each assigned and planned  
9210 radio channel and the simplex, duplex, or other type of  
9211 operation (~~simplex, duplex, half duplex, etc.~~) on each channel.

9212 (5) An operational provision that includes, ~~which shall~~  
9213 ~~include~~ dispatching, logging, and operating procedures  
9214 pertaining to telecommunications on an entity basis and regional  
9215 basis.

9216 (6) An emergency medical service telephone provision that  
9217 includes, ~~which shall include~~ the telephone and the numbering  
9218 plan throughout the region for both the public and interface  
9219 requirements.

9220 Section 306. Section 401.018, Florida Statutes, is amended  
9221 to read:

9222 401.018 System coordination.—

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9223 (1) The statewide system of regional emergency medical  
9224 telecommunications shall be developed by the Department of Law  
9225 Enforcement Management Services, which ~~department~~ shall be  
9226 responsible for the implementation and coordination of such  
9227 system into the state telecommunications plan. The department  
9228 shall adopt any necessary rules ~~and regulations~~ for implementing  
9229 and coordinating such a system.

9230 (2) The Department of Law Enforcement is Management  
9231 ~~Services shall be~~ designated as the state frequency coordinator  
9232 for the special emergency radio service.

9233 Section 307. Section 401.021, Florida Statutes, is amended  
9234 to read:

9235 401.021 System director.—The executive director of Law  
9236 Enforcement Secretary of Management Services or a ~~his or her~~  
9237 designee shall be ~~is designated as~~ the director of the statewide  
9238 telecommunications system of the regional emergency medical  
9239 service and, for the purpose of carrying out the provisions of  
9240 this part, may ~~is authorized to~~ coordinate the activities of the  
9241 telecommunications system with other interested state, county,  
9242 local, and private agencies.

9243 Section 308. Section 401.024, Florida Statutes, is amended  
9244 to read:

9245 401.024 System approval.—~~An~~ ~~From July 1, 1973, no~~ emergency  
9246 medical telecommunications system may not ~~shall~~ be established  
9247 or present systems expanded without prior approval of the  
9248 Department of Law Enforcement Management Services.

9249 Section 309. Section 401.027, Florida Statutes, is amended  
9250 to read:

9251 401.027 Federal assistance.—The executive director of Law

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9252 ~~Enforcement Secretary of Management Services~~ or a ~~his or her~~  
9253 designee may ~~is authorized to~~ apply for and accept federal  
9254 funding assistance in the development and implementation of a  
9255 statewide emergency medical telecommunications system.

9256 Section 310. Paragraph (b) of subsection (2) of section  
9257 401.245, Florida Statutes, is amended to read:

9258 401.245 Emergency Medical Services Advisory Council.—

9259 (2)

9260 (b) Representation on the Emergency Medical Services  
9261 Advisory Council must ~~shall~~ include: two licensed physicians who  
9262 are “medical directors” ~~as defined in s. 401.23(15)~~ or whose  
9263 medical practice is closely related to emergency medical  
9264 services; two emergency medical service administrators, one of  
9265 whom is employed by a fire service; two certified paramedics,  
9266 one of whom is employed by a fire service; two certified  
9267 emergency medical technicians, one of whom is employed by a fire  
9268 service; one emergency medical services educator; one emergency  
9269 nurse; one hospital administrator; one representative of air  
9270 ambulance services; one representative of a commercial ambulance  
9271 operator; and two laypersons who are in no way connected with  
9272 emergency medical services, one of whom is a representative of  
9273 the elderly. Ex officio members of the advisory council from  
9274 state agencies must ~~shall~~ include, but are ~~shall~~ not be limited  
9275 to, representatives from the Department of Education, the  
9276 Department of Law Enforcement Management Services, the State  
9277 Fire Marshal, the Department of Highway Safety and Motor  
9278 Vehicles, the Department of Transportation, and the Department  
9279 of Community Affairs.

9280 Section 311. Section 402.35, Florida Statutes, is amended

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9281 to read:

9282 402.35 Employees.—All personnel of the Department of  
9283 Children and Family Services shall be governed by rules ~~and~~  
9284 ~~regulations~~ adopted ~~and promulgated~~ by the Department of  
9285 Personnel Management Services ~~relative thereto~~ except for the  
9286 director and persons paid on a fee basis. The Department of  
9287 Children and Family Services may participate with other state  
9288 departments and agencies in a joint merit system. A ~~No~~ federal,  
9289 state, county, or municipal officer may not ~~shall be eligible to~~  
9290 serve as an employee of the Department of Children and Family  
9291 Services.

9292 Section 312. Paragraph (a) of subsection (2) of section  
9293 402.50, Florida Statutes, is amended to read:

9294 402.50 Administrative infrastructure; legislative intent;  
9295 establishment of standards.—

9296 (2) ADMINISTRATIVE INFRASTRUCTURE STANDARDS.—

9297 (a) The department, in conjunction with the Department of  
9298 Personnel Management Services and the Governor's Office of  
9299 Policy and Budget Planning and Budgeting, shall develop  
9300 standards for administrative infrastructure funding and staffing  
9301 to support the department and contract service providers in the  
9302 execution of their duties and responsibilities.

9303 Section 313. Paragraph (b) of subsection (14) of section  
9304 403.061, Florida Statutes, is amended to read:

9305 403.061 Department; powers and duties.—The department shall  
9306 have the power and the duty to control and prohibit pollution of  
9307 air and water in accordance with the law and rules adopted and  
9308 promulgated by it and, for this purpose, to:

9309 (14) Establish a permit system whereby a permit may be

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9310 required for the operation, construction, or expansion of any  
9311 installation that may be a source of air or water pollution and  
9312 provide for the issuance and revocation of such permits and for  
9313 the posting of an appropriate bond to operate.

9314 (b) The provisions of chapter 120 shall be accorded any  
9315 person when substantial interests will be affected by an  
9316 activity proposed to be conducted by the Department of  
9317 Transportation pursuant to its certification and the acceptance  
9318 of the department. If a proceeding is conducted pursuant to ss.  
9319 120.569 and 120.57, the department may intervene as a party. If  
9320 ~~Should~~ an administrative law judge of the Division of  
9321 Administrative Hearings submits ~~of the Department of Management~~  
9322 ~~Services submit~~ a recommended order pursuant to ss. 120.569 and  
9323 120.57, the department shall issue a final department order  
9324 adopting, rejecting, or modifying the recommended order pursuant  
9325 to such action.

9326  
9327 The department shall implement such programs in conjunction with  
9328 its other powers and duties and shall place special emphasis on  
9329 reducing and eliminating contamination that presents a threat to  
9330 humans, animals or plants, or to the environment.

9331 Section 314. Paragraph (b) of subsection (3) of section  
9332 403.42, Florida Statutes, is amended to read:

9333 403.42 Florida Clean Fuel Act.—

9334 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
9335 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

9336 (b)1. The advisory board shall consist of the Secretary of  
9337 Community Affairs, or a designee ~~from that department~~, the  
9338 Secretary of Environmental Protection, or a designee ~~from that~~

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9339 ~~department,~~ the Commissioner of Education, or a designee ~~from~~  
9340 ~~that department,~~ the Secretary of Transportation, or a designee  
9341 ~~from that department,~~ the Commissioner of Agriculture, or a  
9342 designee ~~from the Department of Agriculture and Consumer~~  
9343 ~~Services,~~ the Chief Financial Officer ~~Secretary of Management~~  
9344 ~~Services,~~ or a designee ~~from that department,~~ and a  
9345 representative of each of the following, who shall be appointed  
9346 by the Secretary of Environmental Protection:

- 9347 a. The Florida biodiesel industry.
- 9348 b. The Florida electric utility industry.
- 9349 c. The Florida natural gas industry.
- 9350 d. The Florida propane gas industry.
- 9351 e. An automobile manufacturers' association.
- 9352 f. A Florida Clean Cities Coalition designated by the  
9353 United States Department of Energy.
- 9354 g. Enterprise Florida, Inc.
- 9355 h. EV Ready Broward.
- 9356 i. The Florida petroleum industry.
- 9357 j. The Florida League of Cities.
- 9358 k. The Florida Association of Counties.
- 9359 l. Floridians for Better Transportation.
- 9360 m. A motor vehicle manufacturer.
- 9361 n. Florida Local Environment Resource Agencies.
- 9362 o. Project for an Energy Efficient Florida.
- 9363 p. Florida Transportation Builders Association.

9364 2. The purpose of the advisory board is to serve as a  
9365 resource for the department and to provide the Governor, the  
9366 Legislature, and the Secretary of Environmental Protection with  
9367 private sector and other public agency perspectives on achieving

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9368 the goal of increasing the use of alternative fuel vehicles in  
9369 this state.

9370 3. Members shall be appointed to serve terms of 1 year  
9371 each, with reappointment at the discretion of the Secretary of  
9372 Environmental Protection. Vacancies shall be filled for the  
9373 remainder of the unexpired term in the same manner as the  
9374 original appointment.

9375 4. The board shall annually select a chairperson.

9376 5.~~a~~. The board shall meet at least once each quarter or  
9377 more often at the call of the chairperson or the Secretary of  
9378 Environmental Protection.

9379 ~~b~~. Meetings are exempt from the notice requirements of  
9380 chapter 120, and sufficient notice must ~~shall~~ be given to afford  
9381 interested persons reasonable notice under the circumstances.

9382 6. Members of the board are entitled to travel expenses  
9383 while engaged in the performance of board duties.

9384 7. The board shall terminate 5 years after the effective  
9385 date of this act.

9386 Section 315. Paragraph (b) of subsection (2) and paragraph  
9387 (b) of subsection (3) of section 403.518, Florida Statutes, are  
9388 amended to read:

9389 403.518 Fees; disposition.—The department shall charge the  
9390 applicant the following fees, as appropriate, which, unless  
9391 otherwise specified, shall be paid into the Florida Permit Fee  
9392 Trust Fund:

9393 (2) An application fee, which shall not exceed \$200,000.  
9394 The fee shall be fixed by rule on a sliding scale related to the  
9395 size, type, ultimate site capacity, or increase in electrical  
9396 generating capacity proposed by the application.

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9397 (b) The following percentages shall be transferred to the  
9398 Operating Trust Fund of the Division of Administrative Hearings  
9399 ~~of the Department of Management Services:~~

9400 1. Five percent to compensate expenses from the initial  
9401 exercise of duties associated with the filing of an application.

9402 2. An additional 5 percent if a land use hearing is held  
9403 pursuant to s. 403.508.

9404 3. An additional 10 percent if a certification hearing is  
9405 held pursuant to s. 403.508.

9406 (3)

9407 (b) The fee shall be submitted to the department with a  
9408 petition for modification pursuant to s. 403.516. The ~~This~~ fee  
9409 shall be established, disbursed, and processed in the same  
9410 manner as the application fee in subsection (2), except that the  
9411 Division of Administrative Hearings may ~~shall~~ not receive a  
9412 portion of the fee unless the petition for certification  
9413 modification is referred to the Division of Administrative  
9414 Hearings for hearing. If the petition is so referred, only  
9415 \$10,000 of the fee shall be transferred to the Operating Trust  
9416 Fund of the ~~Division of Administrative Hearings of the~~  
9417 Department of Personnel Management ~~Services~~.

9418 Section 316. Paragraph (c) of subsection (1) of section  
9419 403.5365, Florida Statutes, is amended to read:

9420 403.5365 Fees; disposition.—The department shall charge the  
9421 applicant the following fees, as appropriate, which, unless  
9422 otherwise specified, shall be paid into the Florida Permit Fee  
9423 Trust Fund:

9424 (1) An application fee.

9425 (c) The following percentages shall be transferred to the

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9426 Operating Trust Fund of the ~~Division of Administrative Hearings~~  
9427 ~~of the~~ Department of Personnel Management Services:

9428 1. Five percent to compensate for expenses from the initial  
9429 exercise of duties associated with the filing of an application.

9430 2. An additional 10 percent if an administrative hearing  
9431 under s. 403.527 is held.

9432 Section 317. Subsection (1) of section 403.7065, Florida  
9433 Statutes, is amended to read:

9434 403.7065 Procurement of products or materials with recycled  
9435 content.—

9436 (1) Except as provided in s. 287.045, any state agency or  
9437 agency of a political subdivision of the state which is using  
9438 state funds, or any person contracting with ~~any~~ such agency with  
9439 respect to work performed under contract, must ~~is required to~~  
9440 procure products or materials that have ~~with~~ recycled content if  
9441 ~~when~~ the Department of Financial Management ~~Management~~ Services determines  
9442 that those products or materials are available. A decision not  
9443 to procure such items must be based on the department's  
9444 ~~Department of Management Services'~~ determination that such  
9445 procurement is not reasonably available within an acceptable  
9446 period of time, fails to meet the performance standards set  
9447 forth in the applicable specifications, or fails to meet the  
9448 performance standards of the agency. If ~~When~~ the requirements of  
9449 s. 287.045 are met, agencies are ~~shall be~~ subject to the  
9450 procurement requirements of that section for procuring products  
9451 or materials with recycled content.

9452 Section 318. Paragraphs (a) and (d) of subsection (1) and  
9453 subsection (3) of section 403.714, Florida Statutes, are amended  
9454 to read:

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9455 403.714 Duties of state agencies.—

9456 (1) Each state agency, the judicial branch of state  
9457 government, and the State University System shall:

9458 (a) Establish a program, in cooperation with the department  
9459 and the Department of Financial Management Services, for the  
9460 collection of all recyclable materials generated in state  
9461 offices and institutions throughout the state, including, at a  
9462 minimum, aluminum, high-grade office paper, and corrugated  
9463 paper.

9464 (d) Establish and implement, in cooperation with the  
9465 department and the Department of Financial Management Services,  
9466 a solid waste reduction program for materials used in the course  
9467 of agency operations. The program shall be designed and  
9468 implemented to achieve the maximum feasible reduction of solid  
9469 waste generated as a result of agency operations.

9470 (3) All state agencies, including, but not limited to, the  
9471 Department of Transportation, the department, and the Department  
9472 of Financial Management Services and local governments, must ~~are~~  
9473 ~~required to~~ procure compost products if ~~when~~ they can be  
9474 substituted for, and cost no more than, regular soil amendment  
9475 products, provided the compost products meet all applicable  
9476 state standards, specifications, and regulations.

9477 Section 319. Subsection (1) of section 403.7145, Florida  
9478 Statutes, is amended to read:

9479 403.7145 Recycling.—

9480 (1) The Capitol and the House and Senate office buildings  
9481 constitute the Capitol recycling area. The Florida House of  
9482 Representatives, the Florida Senate, and the Office of the  
9483 Governor, the Secretary of State, and each Cabinet officer who

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9484 heads a department that occupies office space in the Capitol,  
9485 shall institute a recycling program for their respective offices  
9486 in the House and Senate office buildings and the Capitol.  
9487 Provisions shall be made to collect and sell wastepaper and  
9488 empty aluminum beverage cans generated by employee activities in  
9489 these offices. The collection and sale of such materials shall  
9490 be coordinated with ~~Department of Management Services~~ recycling  
9491 activities of the Department of Financial Services in order to  
9492 maximize the efficiency and economy of the ~~this~~ program. The  
9493 Governor, the Speaker of the House of Representatives, the  
9494 President of the Senate, the Secretary of State, and the Cabinet  
9495 officers may authorize the use of proceeds from recyclable  
9496 material sales for employee benefits and other purposes, in  
9497 order to provide incentives to their respective employees for  
9498 participation in the recycling program. Such proceeds may also  
9499 be used to offset any costs of the recycling program.

9500 Section 320. Section 403.71852, Florida Statutes, is  
9501 amended to read:

9502 403.71852 Collection of lead-containing products.—The  
9503 department shall ~~of Environmental Protection is directed to~~ work  
9504 with the Department of Financial Management ~~Services~~ to  
9505 implement a pilot program to collect lead-containing products,  
9506 including end-of-life computers and other electronic equipment  
9507 from state and local agencies. Local governments are encouraged  
9508 to establish collection and recycling programs for publicly and  
9509 privately owned lead-containing products, including end-of-life  
9510 televisions, computers, and other electronic products, through  
9511 existing recycling and household hazardous-waste-management  
9512 programs.

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9513 Section 321. Paragraph (c) of subsection (3) of section  
9514 406.075, Florida Statutes, is amended to read:

9515 406.075 Grounds for discipline; disciplinary proceedings.—

9516 (3)

9517 (c) A formal hearing before an administrative law judge  
9518 from the Division of Administrative Hearings ~~of the Department~~  
9519 ~~of Management Services~~ shall be held pursuant to chapter 120  
9520 unless all parties agree in writing that there is no disputed  
9521 issue of material fact. The administrative law judge shall issue  
9522 a recommended order ~~pursuant to chapter 120~~. If any party raises  
9523 an issue of disputed fact during an informal hearing, the  
9524 hearing shall be terminated and a formal hearing pursuant to  
9525 chapter 120 shall be held.

9526 Section 322. Paragraph (b) of subsection (5) of section  
9527 408.039, Florida Statutes, is amended to read:

9528 408.039 Review process.—The review process for certificates  
9529 of need shall be as follows:

9530 (5) ADMINISTRATIVE HEARINGS.—

9531 (b) Hearings shall be held in Tallahassee unless the  
9532 administrative law judge determines that changing the location  
9533 will facilitate the proceedings. The agency shall assign  
9534 proceedings requiring hearings to the Division of Administrative  
9535 Hearings ~~of the Department of Management Services~~ within 10 days  
9536 after the time has expired for requesting a hearing. Except upon  
9537 unanimous consent of the parties or upon the granting by the  
9538 administrative law judge of a motion of continuance, hearings  
9539 shall commence within 60 days after the administrative law judge  
9540 has been assigned. For an application for a general hospital,  
9541 administrative hearings shall commence within 6 months after the

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9542 administrative law judge has been assigned, and a continuance  
9543 may not be granted absent a finding of extraordinary  
9544 circumstances by the administrative law judge. All parties,  
9545 except the agency, shall bear their own expense of preparing a  
9546 transcript. In any application for a certificate of need which  
9547 is referred to the division ~~of Administrative Hearings~~ for  
9548 hearing, the administrative law judge shall complete and submit  
9549 to the parties a recommended order as provided in ss. 120.569  
9550 and 120.57. The recommended order must ~~shall~~ be issued within 30  
9551 days after the receipt of the proposed recommended orders or the  
9552 deadline for submission of such proposed recommended orders,  
9553 whichever is earlier. The division shall adopt procedures for  
9554 administrative hearings which ~~shall~~ maximize the use of  
9555 stipulated facts and ~~shall~~ provide for the admission of prepared  
9556 testimony.

9557 Section 323. Paragraph (a) of subsection (11) of section  
9558 408.910, Florida Statutes, is amended to read:

9559 408.910 Florida Health Choices Program.—

9560 (11) CORPORATION.—There is created the Florida Health  
9561 Choices, Inc., which shall be registered, incorporated,  
9562 organized, and operated in compliance with part III of chapter  
9563 112 and chapters 119, 286, and 617. The purpose of the  
9564 corporation is to administer the program created in this section  
9565 and to conduct such other business as may further the  
9566 administration of the program.

9567 (a) The corporation shall be governed by a 15-member board  
9568 of directors consisting of:

9569 1. Three ex officio, nonvoting members to include:

9570 a. The Secretary of Health Care Administration or a

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9571 designee with expertise in health care services.

9572 b. The executive director of Personnel ~~Secretary of~~  
9573 Management ~~Services~~ or a designee with expertise in state  
9574 employee benefits.

9575 c. The commissioner of the Office of Insurance Regulation  
9576 or a designee with expertise in insurance regulation.

9577 2. Four members appointed by and serving at the pleasure of  
9578 the Governor.

9579 3. Four members appointed by and serving at the pleasure of  
9580 the President of the Senate.

9581 4. Four members appointed by and serving at the pleasure of  
9582 the Speaker of the House of Representatives.

9583 5. Board members may not include insurers, health insurance  
9584 agents or brokers, health care providers, health maintenance  
9585 organizations, prepaid service providers, or any other entity,  
9586 affiliate or subsidiary of eligible vendors.

9587 Section 324. Subsection (3) of section 413.036, Florida  
9588 Statutes, is amended to read:

9589 413.036 Procurement of services by agencies; authority of  
9590 department.—

9591 (3) If, pursuant to a contract between a a ~~any~~ legislative,  
9592 executive, or judicial agency of the state and any private  
9593 contract vendor, a product or service is required by the  
9594 Department of Financial ~~Management~~ Services or on behalf of any  
9595 state agency which ~~that~~ is included on the procurement list  
9596 established by the commission pursuant to s. 413.035(2), the  
9597 contract must contain the following language:

9598 "IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES  
9599 THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT

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9600 MUST ~~SHALL~~ BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR  
9601 FOR THE SEVERELY HANDICAPPED WHICH ~~THAT~~ IS QUALIFIED PURSUANT TO  
9602 CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE  
9603 SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA  
9604 STATUTES. ~~AND~~ FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM,  
9605 OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS  
9606 CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY  
9607 INSOFAR AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE  
9608 CONCERNED."

9609 Section 325. Subsection (11) of section 413.051, Florida  
9610 Statutes, is amended to read:

9611 413.051 Eligible blind persons; operation of vending  
9612 stands.—

9613 (11) Effective July 1, 1996, blind licensees who remain  
9614 members of the Florida Retirement System pursuant to s.  
9615 121.051(6)(b)1. must ~~shall~~ pay any unappropriated retirement  
9616 costs from their net profits or from program income. Within 30  
9617 days after the effective date of this act, each blind licensee  
9618 who is eligible to maintain membership in the Florida Retirement  
9619 System under s. 121.051(6)(b)1., but who elects to withdraw from  
9620 the system as provided in s. 121.051(6)(b)3., must, on or before  
9621 July 31, 1996, notify the Division of Blind Services and the  
9622 Department of Personnel Management ~~Services~~ in writing of his or  
9623 her election to withdraw. Failure to timely notify the divisions  
9624 shall be deemed a decision to remain a compulsory member of the  
9625 Florida Retirement System. However, if, at any time after July  
9626 1, 1996, sufficient funds are not paid by a blind licensee to  
9627 cover the required contribution to the Florida Retirement  
9628 System, that blind licensee is ~~shall become~~ ineligible to

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9629 participate in the Florida Retirement System on the last day of  
9630 the first month for which no contribution is made or the amount  
9631 contributed is insufficient to cover the required contribution.  
9632 For any blind licensee who becomes ineligible to participate in  
9633 the Florida Retirement System as described in this subsection,  
9634 ~~no~~ creditable service may not ~~shall~~ be earned under the Florida  
9635 Retirement System for any period following the month that  
9636 retirement contributions ceased to be reported. However, ~~any~~  
9637 such person may participate in the Florida Retirement System in  
9638 the future if employed by a participating employer in a covered  
9639 position.

9640 Section 326. Section 414.37, Florida Statutes, is amended  
9641 to read:

9642 414.37 Public assistance overpayment recovery  
9643 privatization; reemployment of laid-off career service  
9644 employees.—Should career service employees of the Department of  
9645 Children and Family Services be subject to layoff after July 1,  
9646 1995, due to the privatization of public assistance overpayment  
9647 recovery functions, the privatization contract must ~~shall~~  
9648 require the contracting firm to give priority consideration to  
9649 employment of such employees. In addition, a task force composed  
9650 of representatives from the Department of Children and Family  
9651 Services and the Department of Personnel Management Services  
9652 shall be established to provide reemployment assistance to such  
9653 employees.

9654 Section 327. Subsection (5) of section 429.14, Florida  
9655 Statutes, is amended to read:

9656 429.14 Administrative penalties.—

9657 (5) An action taken by the agency to suspend, deny, or

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9658 revoke a facility's license under this part or part II of  
9659 chapter 408, in which the agency claims that the facility owner  
9660 or an employee of the facility has threatened the health,  
9661 safety, or welfare of a resident of the facility must be heard  
9662 by the Division of Administrative Hearings ~~of the Department of~~  
9663 ~~Management Services~~ within 120 days after receipt of the  
9664 facility's request for a hearing, unless that time limitation is  
9665 waived by both parties. The administrative law judge must render  
9666 a decision within 30 days after receipt of a proposed  
9667 recommended order.

9668 Section 328. Section 440.2715, Florida Statutes, is amended  
9669 to read:

9670 440.2715 Access to courts through state video  
9671 teleconferencing network.—The First District Court of Appeal  
9672 shall use the state video teleconferencing network established  
9673 by the Agency for Enterprise Information Technology Department  
9674 ~~of Management Services~~ to facilitate access to courts for  
9675 purposes of workers' compensation actions.

9676 Section 329. Paragraph (a) of subsection (1) of section  
9677 440.45, Florida Statutes, is amended to read:

9678 440.45 Office of the Judges of Compensation Claims.—

9679 (1) (a) ~~There is created~~ The Office of the Judges of  
9680 Compensation Claims is created within the Division of  
9681 Administrative Hearings ~~Department of Management Services~~. The  
9682 office ~~of the Judges of Compensation Claims~~ shall be headed by  
9683 the Deputy Chief Judge of Compensation Claims. The Deputy Chief  
9684 Judge shall report to the director of the Division of  
9685 Administrative Hearings. The Deputy Chief Judge shall be  
9686 appointed by the Governor for a term of 4 years from a list of

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9687 three names submitted by the statewide nominating commission  
9688 created under subsection (2). The Deputy Chief Judge must  
9689 demonstrate prior administrative experience and possess the same  
9690 qualifications for appointment as a judge of compensation  
9691 claims, and the procedure for reappointment of the Deputy Chief  
9692 Judge will be the same as for reappointment of a judge of  
9693 compensation claims. The office shall be a separate budget  
9694 entity and the director of the Division of Administrative  
9695 Hearings shall be its agency head for all purposes, including,  
9696 but not limited to, rulemaking pursuant to subsection (4) and  
9697 establishing agency policies and procedures. The Department of  
9698 Personnel Management Services shall provide administrative  
9699 support and service to the office to the extent requested by the  
9700 division director ~~of the Division of Administrative Hearings~~ but  
9701 may shall not direct, supervise, or control the Office of the  
9702 Judges of Compensation Claims in any manner, including, but not  
9703 limited to, personnel, purchasing, budgetary matters, or  
9704 property transactions. The operating budget of the Office of the  
9705 Judges of Compensation Claims shall be paid out of the Workers'  
9706 Compensation Administration Trust Fund established in s. 440.50.

9707 Section 330. Paragraph (b) of subsection (9) of section  
9708 445.009, Florida Statutes, is amended to read:

9709 445.009 One-stop delivery system.—

9710 (9)

9711 (b) The network shall assure that a uniform method is used  
9712 to determine eligibility for and management of services provided  
9713 by agencies that conduct workforce development activities. The  
9714 Department of Financial Management Services shall develop  
9715 strategies to allow access to the databases and information

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9716 management systems of the following systems in order to link  
9717 information in those databases with the one-stop delivery  
9718 system:

9719 1. The Unemployment Compensation Program of the Agency for  
9720 Workforce Innovation.

9721 2. The public employment service described in s. 443.181.

9722 3. The FLORIDA System and the components related to WAGES,  
9723 food stamps, and Medicaid eligibility.

9724 4. The Student Financial Assistance System of the  
9725 Department of Education.

9726 5. Enrollment in the public postsecondary education system.

9727 6. Other information systems determined appropriate by  
9728 Workforce Florida, Inc.

9729 Section 331. Subsections (3) and (4) of section 447.205,  
9730 Florida Statutes, are amended to read:

9731 447.205 Public Employees Relations Commission.—

9732 (3) The commission, in the performance of its powers and  
9733 duties under this part, is ~~shall~~ not ~~be~~ subject to control,  
9734 supervision, or direction by the Department of Personnel  
9735 Management ~~Services~~.

9736 (4) The property, personnel, and appropriations related to  
9737 the commission's specified authority, powers, duties, and  
9738 responsibilities shall be provided to the commission by the  
9739 Department of Personnel Management ~~Services~~.

9740 Section 332. Paragraph (k) of subsection (14) of section  
9741 455.32, Florida Statutes, is amended to read:

9742 455.32 Management Privatization Act.—

9743 (14) The contract between the department and the  
9744 corporation must be in compliance with this section and other

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9745 applicable laws. The department shall retain responsibility for  
9746 any duties it currently exercises relating to its police powers  
9747 and any other current duty that is not provided to the  
9748 corporation by contract or this section. The contract shall  
9749 provide, at a minimum, that:

9750 (k) The corporation, out of its allocated budget, pay to  
9751 the department all costs incurred by the corporation or the  
9752 board for the Division of Administrative Hearings ~~of the~~  
9753 ~~Department of Management Services~~ and any other cost for using  
9754 ~~utilization of~~ these state services.

9755 Section 333. Paragraph (j) of subsection (3) of section  
9756 471.038, Florida Statutes, is amended to read:

9757 471.038 Florida Engineers Management Corporation.—

9758 (3) The Florida Engineers Management Corporation is created  
9759 to provide administrative, investigative, and prosecutorial  
9760 services to the board in accordance with the provisions of  
9761 chapter 455 and this chapter. The management corporation may  
9762 hire staff as necessary to carry out its functions. Such staff  
9763 are not public employees for the purposes of chapter 110 or  
9764 chapter 112, except that the board of directors and the staff  
9765 are subject to the provisions of s. 112.061. The provisions of  
9766 s. 768.28 apply to the management corporation, which is deemed  
9767 to be a corporation primarily acting as an instrumentality of  
9768 the state, but which is not an agency within the meaning of s.  
9769 20.03(11). The management corporation shall:

9770 (j) Operate under a written contract with the department  
9771 which is approved by the board. The contract must provide for,  
9772 but is not limited to:

9773 1. Submission by the management corporation of an annual

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9774 budget that complies with board rules for approval by the board  
9775 and the department.

9776         2. Annual certification by the board and the department  
9777 that the management corporation is complying with the terms of  
9778 the contract in a manner consistent with the goals and purposes  
9779 of the board and in the best interest of the state. This  
9780 certification must be reported in the board's minutes. The  
9781 contract must also provide for methods and mechanisms to resolve  
9782 any situation in which the certification process determines  
9783 noncompliance.

9784         3. Funding of the management corporation through  
9785 appropriations allocated to the regulation of professional  
9786 engineers from the Professional Regulation Trust Fund.

9787         4. The reversion to the board, or the state if the board  
9788 ceases to exist, of moneys, records, data, and property held in  
9789 trust by the management corporation for the benefit of the  
9790 board, if the management corporation is no longer approved to  
9791 operate for the board or the board ceases to exist. All records  
9792 and data in a computerized database shall be returned to the  
9793 department in a form that is compatible with the computerized  
9794 database of the department.

9795         5. The securing and maintaining by the management  
9796 corporation, during the term of the contract and for all acts  
9797 performed during the term of the contract, of all liability  
9798 insurance coverages in an amount to be approved by the board to  
9799 defend, indemnify, and hold harmless the management corporation  
9800 and its officers and employees, the department and its  
9801 employees, and the state against all claims arising from state  
9802 and federal laws. Such insurance coverage must be with insurers

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9803 qualified and doing business in the state. The management  
9804 corporation must provide proof of insurance to the department.  
9805 The department and its employees and the state are exempt from  
9806 and are not liable for any sum of money which represents a  
9807 deductible, which sums are ~~shall be~~ the sole responsibility of  
9808 the management corporation. Violation of this subparagraph is  
9809 ~~shall be~~ grounds for terminating the contract.

9810 6. Payment by the management corporation, out of its  
9811 allocated budget, to the department of all costs of  
9812 representation by the board counsel, including salary and  
9813 benefits, travel, and any other compensation traditionally paid  
9814 by the department to other board counsel.

9815 7. Payment by the management corporation, out of its  
9816 allocated budget, to the department of all costs incurred by the  
9817 management corporation or the board for the Division of  
9818 Administrative Hearings ~~of the Department of Management Services~~  
9819 and any other cost for using ~~utilization of~~ these state  
9820 services.

9821 8. Payment by the management corporation, out of its  
9822 allocated budget, to the department of reasonable costs  
9823 associated with the contract monitor.

9824 Section 334. Section 489.145, Florida Statutes, is amended  
9825 to read:

9826 489.145 Guaranteed energy, water, and wastewater  
9827 performance savings contracting.—

9828 (1) SHORT TITLE.—This section may be cited as the  
9829 "Guaranteed Energy, Water, and Wastewater Performance Savings  
9830 Contracting Act."

9831 (2) LEGISLATIVE FINDINGS.—The Legislature finds that

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9832 investment in energy, water, and wastewater efficiency and  
9833 conservation measures in agency facilities can reduce the amount  
9834 of energy and water consumed and wastewater produced and produce  
9835 immediate and long-term savings. It is the policy of this state  
9836 to encourage each agency to invest in energy, water, and  
9837 wastewater efficiency and conservation measures to minimize  
9838 energy and water consumption and wastewater production and  
9839 maximize energy, water, and wastewater savings. It is further  
9840 the policy of this state to encourage agencies to reinvest any  
9841 resulting savings ~~resulting from energy, water, and wastewater~~  
9842 ~~efficiency and conservation measures~~ in additional energy,  
9843 water, and wastewater efficiency and conservation measures.

9844 (3) DEFINITIONS.—As used in this section, the term:

9845 (a) "Agency" means the state, a municipality, or a  
9846 political subdivision.

9847 (b) "Energy, water, and wastewater efficiency and  
9848 conservation measure" means a training program incidental to the  
9849 contract, facility alteration, or equipment purchase to be used  
9850 in new construction, including an addition to existing  
9851 facilities or infrastructure, which reduces energy or water  
9852 consumption, wastewater production, or energy-related operating  
9853 costs and includes, but is not limited to:

9854 1. Insulation of the facility structure and systems within  
9855 the facility.

9856 2. Storm windows and doors, caulking or weatherstripping,  
9857 multiglazed windows and doors, heat-absorbing, or heat-  
9858 reflective, glazed and coated window and door systems,  
9859 additional glazing, reductions in glass area, and other window  
9860 and door system modifications that reduce energy consumption.

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- 9861           3. Automatic energy control systems.
- 9862           4. Heating, ventilating, or air-conditioning system  
9863 modifications or replacements.
- 9864           5. Replacement or modifications of lighting fixtures to  
9865 increase the energy efficiency of the lighting system, which, at  
9866 a minimum, must conform to the applicable state or local  
9867 building code.
- 9868           6. Energy recovery systems.
- 9869           7. Cogeneration systems that produce steam or forms of  
9870 energy such as heat, as well as electricity, for use primarily  
9871 within a facility or complex of facilities.
- 9872           8. Energy conservation measures that reduce British thermal  
9873 units (Btu), kilowatts (kW), or kilowatt hours (kWh) consumed or  
9874 provide long-term operating cost reductions.
- 9875           9. Renewable energy systems, such as solar, biomass, or  
9876 wind systems.
- 9877           10. Devices that reduce water consumption or sewer charges.
- 9878           11. Energy storage systems, such as fuel cells and thermal  
9879 storage.
- 9880           12. Energy-generating technologies, such as microturbines.
- 9881           13. Any other repair, replacement, or upgrade of existing  
9882 equipment.
- 9883           (c) "Energy, water, or wastewater cost savings" means a  
9884 measured reduction in the cost of fuel, energy or water  
9885 consumption, wastewater production, and stipulated operation and  
9886 maintenance created from the implementation of one or more  
9887 energy, water, or wastewater efficiency or conservation measures  
9888 when compared with an established baseline for the previous cost  
9889 of fuel, energy or water consumption, wastewater production, and

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9890 stipulated operation and maintenance.

9891 (d) "Guaranteed energy, water, and wastewater performance  
9892 savings contract" means a contract for the evaluation,  
9893 recommendation, and implementation of energy, water, or  
9894 wastewater efficiency or conservation measures, which, at a  
9895 minimum, ~~shall~~ include:

9896 1. The design and installation of equipment to implement  
9897 one or more of such measures and, if applicable, operation and  
9898 maintenance of such measures.

9899 2. The amount of any actual annual savings that meet or  
9900 exceed total annual contract payments made by the agency for the  
9901 contract and may include allowable cost avoidance if determined  
9902 appropriate by the Chief Financial Officer.

9903 3. The finance charges incurred by the agency over the life  
9904 of the contract.

9905 (e) "Guaranteed energy, water, and wastewater performance  
9906 savings contractor" means a person or business that is licensed  
9907 under chapter 471, chapter 481, or this chapter and is  
9908 experienced in the analysis, design, implementation, or  
9909 installation of energy, water, and wastewater efficiency and  
9910 conservation measures through energy performance contracts.

9911 (f) "Investment grade energy audit" means a detailed  
9912 energy, water, and wastewater audit, along with an accompanying  
9913 analysis of proposed energy, water, and wastewater conservation  
9914 measures, and their costs, savings, and benefits before ~~prior to~~  
9915 entry into an energy savings contract.

9916 (4) PROCEDURES.—

9917 (a) An agency may enter into a guaranteed energy, water,  
9918 and wastewater performance savings contract with a guaranteed

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9919 energy, water, and wastewater performance savings contractor to  
9920 reduce energy or water consumption, wastewater production, or  
9921 energy-related operating costs of an agency facility through one  
9922 or more energy, water, or wastewater efficiency or conservation  
9923 measures.

9924 (b) Before design and installation of energy, water, or  
9925 wastewater efficiency and conservation measures, the agency must  
9926 obtain from a guaranteed energy, water, and wastewater  
9927 performance savings contractor a report that summarizes the  
9928 costs associated such ~~with the energy, water, or wastewater~~  
9929 ~~efficiency and conservation~~ measures or energy-related  
9930 operational cost-saving measures and provides an estimate of the  
9931 amount of the cost savings. The agency and the ~~guaranteed~~  
9932 ~~energy, water, and wastewater performance savings~~ contractor may  
9933 enter into a separate agreement to pay for costs associated with  
9934 the preparation and delivery of the report; however, payment to  
9935 the contractor is ~~shall be~~ contingent upon the report's  
9936 projection of energy, water, and wastewater cost savings being  
9937 equal to or greater than the total projected costs of the design  
9938 and installation of the report's energy conservation measures.

9939 (c) The agency may enter into a guaranteed energy, water,  
9940 and wastewater performance savings contract with a guaranteed  
9941 energy, water, and wastewater performance savings contractor if  
9942 the agency finds that the amount the agency would spend on such  
9943 ~~the energy, water, and wastewater efficiency and conservation~~  
9944 measures will not likely exceed the amount of the cost savings  
9945 for up to 20 years from the date of installation, based on the  
9946 life cycle cost calculations provided in s. 255.255, if the  
9947 recommendations in the report were followed and if the qualified

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9948 provider or providers give a written guarantee that the cost  
9949 savings will meet or exceed the costs of the system. However,  
9950 actual computed cost savings must meet or exceed the estimated  
9951 cost savings provided in each agency's program approval.  
9952 Baseline adjustments used in calculations must be specified in  
9953 the contract. The contract may provide for installment payments  
9954 for up to ~~a period not to exceed~~ 20 years.

9955 (d) A guaranteed energy, water, and wastewater performance  
9956 savings contractor must be selected in compliance with s.  
9957 287.055; except that if fewer than three firms are qualified to  
9958 perform the required services, the requirement for agency  
9959 selection of three firms, as provided in s. 287.055(4)(b), and  
9960 the bid requirements of s. 287.057 do not apply.

9961 (e) Before entering into a guaranteed energy, water, and  
9962 wastewater performance savings contract, an agency must provide  
9963 published notice of the meeting in which it proposes to award  
9964 the contract, the names of the parties to the proposed contract,  
9965 and the contract's purpose.

9966 (f) A guaranteed energy, water, and wastewater performance  
9967 savings contract may provide for financing, including tax-exempt  
9968 financing, by a third party. The contract for third-party  
9969 financing may be separate from the energy, water, and wastewater  
9970 performance contract. A separate contract for third-party  
9971 financing under this paragraph must include a provision that the  
9972 third-party financier may ~~must~~ not be granted rights or  
9973 privileges that exceed the rights and privileges available to  
9974 the ~~guaranteed energy, water, and wastewater performance savings~~  
9975 contractor.

9976 (g) Financing for guaranteed energy, water, and wastewater

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9977 performance savings contracts may be provided under ~~the~~  
9978 ~~authority of~~ s. 287.064.

9979 (h) ~~The Office of the~~ Chief Financial Officer shall review  
9980 proposals from state agencies to ensure that the most effective  
9981 financing is being used.

9982 (i) Annually, the agency that has entered into the contract  
9983 shall provide the ~~Department of Management Services and the~~  
9984 ~~Chief Financial Officer~~ the measurement and verification report  
9985 required by the contract to the Chief Financial Officer to  
9986 validate that savings have occurred.

9987 (j) In determining the amount the agency will finance to  
9988 acquire the energy, water, and wastewater efficiency and  
9989 conservation measures, the agency may reduce such amount by the  
9990 application of any grant moneys, rebates, or capital funding  
9991 available to the agency for the purpose of buying down the cost  
9992 of the guaranteed energy, water, and wastewater performance  
9993 savings contract. However, in calculating the life cycle cost as  
9994 required in paragraph (c), the agency may ~~shall~~ not apply any  
9995 grants, rebates, or capital funding.

9996 (5) CONTRACT PROVISIONS.—

9997 (a) A guaranteed energy, water, and wastewater performance  
9998 savings contract must include a written guarantee that may  
9999 include, but is not limited to the form of, a letter of credit,  
10000 insurance policy, or corporate guarantee by the guaranteed  
10001 energy, water, and wastewater performance savings contractor  
10002 that annual cost savings will meet or exceed the amortized cost  
10003 of energy, water, and wastewater efficiency and conservation  
10004 measures.

10005 (b) The guaranteed energy, water, and wastewater

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10006 performance savings contract must provide that all payments,  
10007 except obligations on termination of the contract before its  
10008 expiration, may be made over time, but not ~~to~~ exceed 20 years  
10009 from the date of complete installation and acceptance by the  
10010 agency, and that the annual savings are guaranteed to the extent  
10011 necessary to make annual payments to satisfy the ~~guaranteed~~  
10012 ~~energy, water, and wastewater performance savings~~ contract.

10013 (c) The guaranteed energy, water, and wastewater  
10014 performance savings contract must require that the guaranteed  
10015 energy, water, and wastewater performance savings contractor to  
10016 whom the contract is awarded provide a 100-percent public  
10017 construction bond to the agency for its faithful performance, as  
10018 required by s. 255.05.

10019 (d) The guaranteed energy, water, and wastewater  
10020 performance savings contract may contain a provision allocating  
10021 to the parties to the contract any annual cost savings that  
10022 exceed the amount of the cost savings guaranteed in the  
10023 contract.

10024 (e) The guaranteed energy, water, and wastewater  
10025 performance savings contract must ~~shall~~ require the guaranteed  
10026 energy, water, and wastewater performance savings contractor to  
10027 provide to the agency an annual reconciliation of the guaranteed  
10028 energy or associated cost savings. If the reconciliation reveals  
10029 a shortfall in annual energy or associated cost savings, the  
10030 ~~guaranteed energy, water, and wastewater performance savings~~  
10031 contractor is liable for such shortfall. If the reconciliation  
10032 reveals an excess in annual cost savings, the excess savings may  
10033 be allocated under paragraph (d) but may not be used to cover  
10034 potential energy or associated cost savings shortages in

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10035 subsequent contract years.

10036 (f) The guaranteed energy, water, and wastewater  
10037 performance savings contract must provide for payments of not  
10038 less than one-twentieth of the price to be paid within 2 years  
10039 from the date of the complete installation and acceptance by the  
10040 agency using straight-line amortization for the term of the  
10041 loan, and the remaining costs to be paid at least quarterly, not  
10042 to exceed a 20-year term, based on life cycle cost calculations.

10043 (g) The guaranteed energy, water, and wastewater  
10044 performance savings contract may extend beyond the fiscal year  
10045 in which it becomes effective; however, the term of any contract  
10046 expires at the end of each fiscal year and may be automatically  
10047 renewed annually for up to 20 years, subject to the agency  
10048 making sufficient annual appropriations based upon continued  
10049 realized energy, water, and wastewater savings.

10050 (h) The guaranteed energy, water, and wastewater  
10051 performance savings contract must stipulate that it does not  
10052 constitute a debt, liability, or obligation of the state.

10053 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.—The  
10054 Department of Financial Management Services, ~~with the assistance~~  
10055 ~~of the Office of the Chief Financial Officer~~, shall, within  
10056 available resources, provide technical content assistance to  
10057 state agencies contracting for energy, water, and wastewater  
10058 efficiency and conservation measures and engage in other  
10059 activities considered appropriate by the department for  
10060 promoting and facilitating guaranteed energy, water, and  
10061 wastewater performance contracting by state agencies. The  
10062 Department of Financial Management Services shall review the  
10063 investment-grade audit for each proposed project and certify

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10064 that the cost savings are appropriate and sufficient for the  
10065 term of the contract. The ~~Office of the Chief Financial Officer,~~  
10066 ~~with the assistance of the~~ Department of Financial Management  
10067 ~~Services,~~ shall, within available resources, develop model  
10068 contractual and related documents for use by state agencies.  
10069 Before ~~Prior to~~ entering into a guaranteed energy, water, and  
10070 wastewater performance savings contract, any contract or lease  
10071 for third-party financing, or any combination of such contracts,  
10072 a state agency shall submit such proposed contract or lease to  
10073 the Department of Financial Services ~~Office of the Chief~~  
10074 ~~Financial Officer~~ for review and approval. A proposed contract  
10075 or lease must ~~shall~~ include:

10076 (a) Supporting information required by s. 216.023(4)(a)9.  
10077 in ss. 287.063(5) and 287.064(11). For contracts approved under  
10078 this section, the criteria may, at a minimum, include the  
10079 specification of a benchmark cost of capital and minimum real  
10080 rate of return on energy, water, or wastewater savings against  
10081 which proposals must ~~shall~~ be evaluated.

10082 (b) Documentation supporting recurring funds requirements  
10083 in ss. 287.063(5) and 287.064(11).

10084 (c) Approval by the head of the agency or a ~~his or her~~  
10085 designee.

10086 (d) An agency measurement and verification plan to monitor  
10087 cost savings.

10088 (7) FUNDING SUPPORT.—For purposes of consolidated financing  
10089 of deferred payment commodity contracts under this section by an  
10090 agency, ~~any~~ such contract must be supported from available funds  
10091 appropriated to the agency in an appropriation category, as  
10092 defined in chapter 216, that the Chief Financial Officer has

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10093 determined is appropriate or that the Legislature has designated  
10094 for payment ~~of the obligation incurred under this section.~~

10095

10096 The ~~Office of the~~ Chief Financial Officer may ~~shall~~ not approve  
10097 any contract submitted under this section from a state agency  
10098 that does not meet the requirements of this section.

10099 Section 335. Subsection (4) of section 553.995, Florida  
10100 Statutes, is amended to read:

10101 553.995 Energy-efficiency ratings for buildings.-

10102 (4) The Department of Community Affairs shall develop a  
10103 training and certification program to certify raters. In  
10104 addition to the department, ratings may be conducted by any  
10105 local government or private entity if, ~~provided that~~ the  
10106 appropriate persons have completed the necessary training and  
10107 have been certified by the department. The Department of  
10108 Environmental Protection Management Services ~~shall rate state-~~  
10109 ~~owned or state-leased buildings~~ if, ~~provided that~~ the  
10110 appropriate persons have completed the necessary training and  
10111 have been certified by the Department of Community Affairs. A  
10112 state agency that ~~which~~ has building construction regulation  
10113 authority may rate its own buildings and those it is responsible  
10114 for, if the appropriate persons have completed the necessary  
10115 training and have been certified by the Department of Community  
10116 Affairs. The department ~~of Community Affairs~~ may charge a fee  
10117 not to exceed the costs for the training and certification of  
10118 raters. The department shall by rule set the appropriate charges  
10119 for raters to charge for energy ratings, not to exceed the  
10120 actual costs.

10121 Section 336. Subsection (41) of section 570.07, Florida

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10122 Statutes, is amended to read:

10123       570.07 Department of Agriculture and Consumer Services;  
10124 functions, powers, and duties.—The department shall have and  
10125 exercise the following functions, powers, and duties:

10126       (41) Notwithstanding ~~the provisions of~~ s. 287.057(23) that  
10127 require all agencies to use the online procurement system  
10128 developed by the Department of Financial Management Services,  
10129 the department may continue to use its own online system.  
10130 However, vendors using ~~utilizing~~ such system must ~~shall~~ be  
10131 prequalified as meeting mandatory requirements and  
10132 qualifications and shall remit fees pursuant to s. 287.057(23),  
10133 and any rules implementing s. 287.057.

10134       Section 337. Subsection (2) of section 627.096, Florida  
10135 Statutes, is amended to read:

10136       627.096 Workers' Compensation Rating Bureau.—

10137       (2) The acquisition by the Department of Financial  
10138 ~~Management~~ Services of data processing software, hardware, and  
10139 services necessary to carry out the provisions of this part act  
10140 for the department or office are ~~shall be~~ exempt from ~~the~~  
10141 ~~provisions of~~ part I of chapter 287.

10142       Section 338. Paragraph (c) of subsection (4) of section  
10143 633.382, Florida Statutes, is amended to read:

10144       633.382 Firefighters; supplemental compensation.—

10145       (4) FUNDING.—

10146       (c) There is appropriated from the Police and Firefighter's  
10147 Premium Tax Trust Fund to the Firefighters' Supplemental  
10148 Compensation Trust Fund, which is ~~hereby~~ created under the  
10149 Department of Revenue, all moneys that ~~which~~ have not been  
10150 distributed to municipalities and special fire control districts

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10151 in accordance with s. 175.121 due to ~~as a result of~~ the  
10152 limitation contained in s. 175.122 on the disbursement of  
10153 revenues collected pursuant to chapter 175 or as a result of any  
10154 municipality or special fire control district not having  
10155 qualified in any given year, or portion thereof, for  
10156 participation in the distribution of the revenues collected  
10157 pursuant to chapter 175. The total required annual distribution  
10158 from the Firefighters' Supplemental Compensation Trust Fund must  
10159 ~~shall~~ equal the amount necessary to pay supplemental  
10160 compensation as provided in this section if, ~~provided that~~:

10161 1. Any deficit in the total required annual distribution is  
10162 ~~shall be~~ made up from accrued surplus funds existing in the  
10163 Firefighters' Supplemental Compensation Trust Fund on June 30,  
10164 1990, for as long as such funds last. If the accrued surplus is  
10165 insufficient to cure the deficit in any given year, the  
10166 proration of the appropriation among the counties,  
10167 municipalities, and special fire service taxing districts must  
10168 ~~shall~~ equal the ratio of compensation paid in the prior year to  
10169 county, municipal, and special fire service taxing district  
10170 firefighters pursuant to this section. This ratio shall be  
10171 provided annually to the Department of Revenue by the Division  
10172 of State Fire Marshal. Surplus funds that have accrued or accrue  
10173 on or after July 1, 1990, shall be redistributed to  
10174 municipalities and special fire control districts as provided in  
10175 subparagraph 2.

10176 2. By October 1 of each year, any funds that have accrued  
10177 or accrue on or after July 1, 1990, and remain in the  
10178 Firefighters' Supplemental Compensation Trust Fund following the  
10179 required annual distribution shall be redistributed by the

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10180 Department of Revenue pro rata to those municipalities and  
10181 special fire control districts identified by the Department of  
10182 Personnel Management Services as ~~being~~ eligible for additional  
10183 funds pursuant to s. 175.121(3)(b).

10184 Section 339. Subsection (4) of section 650.02, Florida  
10185 Statutes, is amended to read:

10186 650.02 Definitions.—For the purpose of this chapter:

10187 (4) The term "state agency" means the Department of  
10188 Personnel Management Services.

10189 Section 340. Section 760.04, Florida Statutes, is amended  
10190 to read:

10191 760.04 ~~Commission on Human Relations~~, Assigned to Executive  
10192 Office of the Governor Department of Management Services.—The  
10193 commission ~~created by s. 760.03~~ is assigned to the Executive  
10194 Office of the Governor Department of Management Services. The  
10195 commission, in the performance of its duties pursuant to the  
10196 Florida Civil Rights Act of 1992, is ~~shall~~ not ~~be~~ subject to  
10197 control, supervision, or direction by the office ~~Department of~~  
10198 ~~Management Services~~.

10199 Section 341. Subsection (5) of section 766.302, Florida  
10200 Statutes, is amended to read:

10201 766.302 Definitions; ss. 766.301-766.316.—As used in ss.  
10202 766.301-766.316, the term:

10203 (5) "Division" means the Division of Administrative  
10204 Hearings ~~of the Department of Management Services~~.

10205 Section 342. Section 768.1326, Florida Statutes, is amended  
10206 to read:

10207 768.1326 Placement of automated external defibrillators in  
10208 state buildings; rulemaking authority. ~~No later than January 1,~~

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10209 ~~2003,~~ The State Surgeon General shall adopt rules to establish  
10210 guidelines on the appropriate placement of automated external  
10211 defibrillator devices in buildings or portions of buildings  
10212 owned or leased by the state, and shall establish, by rule,  
10213 recommendations on procedures for the deployment of automated  
10214 external defibrillator devices in such buildings in accordance  
10215 with the guidelines. The Secretary of Environmental Protection  
10216 ~~Management Services~~ shall assist the State Surgeon General in  
10217 the development of the guidelines. The guidelines for the  
10218 placement of the automated external defibrillators must ~~shall~~  
10219 take into account the typical number of employees and visitors  
10220 in the buildings, the extent of the need for security measures  
10221 regarding the buildings, special circumstances in buildings or  
10222 portions of buildings such as high electrical voltages or  
10223 extreme heat or cold, and such other factors as the State  
10224 Surgeon General and secretary of ~~Management Services~~ determine  
10225 to be appropriate.

10226 (1) The ~~State~~ Surgeon General's recommendations for  
10227 deployment of automated external defibrillators in buildings or  
10228 portions of buildings owned or leased by the state must ~~shall~~  
10229 include:

10230 (a) ~~(1)~~ A reference list of appropriate training courses in  
10231 the use of such devices, including the role of cardiopulmonary  
10232 resuscitation;

10233 (b) ~~(2)~~ The extent to which such devices may be used by  
10234 laypersons;

10235 (c) ~~(3)~~ Manufacturer recommended maintenance and testing of  
10236 the devices; and

10237 (d) ~~(4)~~ Coordination with local emergency medical services

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10238 systems regarding the incidents of use of the devices.

10239       (2) In formulating these guidelines and recommendations,  
10240 the State Surgeon General may consult with all appropriate  
10241 public and private entities, including national and local public  
10242 health organizations that seek to improve the survival rates of  
10243 individuals who experience cardiac arrest.

10244       Section 343. Subsection (11) of section 943.03, Florida  
10245 Statutes, is amended to read:

10246       943.03 Department of Law Enforcement.—

10247       (11) The department shall establish headquarters in  
10248 Tallahassee. The Department of Environmental Protection  
10249 ~~Management Services~~ shall furnish the department with proper and  
10250 adequate housing for its operation.

10251       Section 344. Subsection (7) of section 943.0311, Florida  
10252 Statutes, is amended to read:

10253       943.0311 Chief of Domestic Security; duties of the  
10254 department with respect to domestic security.—

10255       (7) As used in this section, the term "state agency"  
10256 includes the Agency for Health Care Administration, the Agency  
10257 for Workforce Innovation, the Department of Agriculture and  
10258 Consumer Services, the Department of Business and Professional  
10259 Regulation, the Department of Children and Family Services, the  
10260 Department of Citrus, the Department of Community Affairs, the  
10261 Department of Corrections, the Department of Education, the  
10262 Department of Elderly Affairs, the Department of Environmental  
10263 Protection, the Department of Financial Services, the Department  
10264 of Health, the Department of Highway Safety and Motor Vehicles,  
10265 the Department of Juvenile Justice, the Department of Law  
10266 Enforcement, the Department of Legal Affairs, the Department of

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10267 Personnel Management ~~Services~~, the Department of Military  
10268 Affairs, the Department of Revenue, the Department of State, the  
10269 Department of the Lottery, the Department of Transportation, the  
10270 Department of Veterans' Affairs, the Fish and Wildlife  
10271 Conservation Commission, the Parole Commission, the State Board  
10272 of Administration, and the Executive Office of the Governor.

10273 Section 345. Section 943.13, Florida Statutes, is amended  
10274 to read:

10275 943.13 Officers' minimum qualifications for employment or  
10276 appointment.—On or after October 1, 1984, any person employed or  
10277 appointed as a full-time, part-time, or auxiliary law  
10278 enforcement officer or correctional officer; on or after October  
10279 1, 1986, any person employed as a full-time, part-time, or  
10280 auxiliary correctional probation officer; and on or after  
10281 October 1, 1986, any person employed as a full-time, part-time,  
10282 or auxiliary correctional officer by a private entity under  
10283 contract to the Department of Corrections, to a county  
10284 commission, or to the Department of Personnel Management must  
10285 ~~Services~~ shall:

10286 (1) Be at least 19 years of age.

10287 (2) Be a citizen of the United States, notwithstanding any  
10288 law of the state to the contrary.

10289 (3) Be a high school graduate or its "equivalent" as the  
10290 commission has defined the term by rule.

10291 (4) Not have been convicted of any felony or of a  
10292 misdemeanor involving perjury or a false statement, or have  
10293 received a dishonorable discharge from any of the Armed Forces  
10294 of the United States. Any person who, after July 1, 1981, pleads  
10295 guilty or nolo contendere to or is found guilty of any felony or

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10296 of a misdemeanor involving perjury or a false statement is not  
10297 eligible for employment or appointment as an officer,  
10298 notwithstanding suspension of sentence or withholding of  
10299 adjudication. Notwithstanding this subsection, any person who  
10300 has pled nolo contendere to a misdemeanor involving a false  
10301 statement, before ~~prior to~~ December 1, 1985, and has had such  
10302 record sealed or expunged may ~~shall~~ not be deemed ineligible for  
10303 employment or appointment as an officer.

10304 (5) Have documentation of his or her processed fingerprints  
10305 on file with the employing agency or, if a private correctional  
10306 officer, have documentation of his or her processed fingerprints  
10307 on file with the Department of Corrections or the Criminal  
10308 Justice Standards and Training Commission. If administrative  
10309 delays are caused by the department or the Federal Bureau of  
10310 Investigation and the person has complied with subsections (1)-  
10311 (4) and (6)-(9), he or she may be employed or appointed for up  
10312 to a period not to exceed 1 calendar year from the date he or  
10313 she was employed or appointed or until return of the processed  
10314 fingerprints documenting noncompliance with subsections (1)-(4)  
10315 or subsection (7), whichever occurs first. ~~Beginning January 15,~~  
10316 ~~2007,~~ The department shall retain and enter into the statewide  
10317 automated fingerprint identification system authorized by s.  
10318 943.05 all fingerprints submitted to the department as required  
10319 by this section. Thereafter, the fingerprints shall be available  
10320 for all purposes and uses authorized for arrest fingerprint  
10321 cards entered in the statewide automated fingerprint  
10322 identification system pursuant to s. 943.051. The department  
10323 shall search all arrest fingerprint cards received pursuant to  
10324 s. 943.051 against the fingerprints retained in the statewide

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10325 automated fingerprint identification system pursuant to this  
10326 section and report to the employing agency any arrest records  
10327 that are identified with the retained employee's fingerprints.  
10328 ~~By January 1, 2008, a person who must meet minimum~~  
10329 ~~qualifications as provided in this section and whose~~  
10330 ~~fingerprints are not retained by the department pursuant to this~~  
10331 ~~section must be refingerprinted. These fingerprints must be~~  
10332 ~~forwarded to the department for processing and retention.~~

10333 (6) Have passed a physical examination by a licensed  
10334 physician, physician assistant, or certified advanced registered  
10335 nurse practitioner, based on specifications established by the  
10336 commission. In order to be eligible for the presumption set  
10337 forth in s. 112.18 while employed with an employing agency, a  
10338 law enforcement officer, correctional officer, or correctional  
10339 probation officer must have successfully passed the physical  
10340 examination required by this subsection upon entering into  
10341 service as a law enforcement officer, correctional officer, or  
10342 correctional probation officer with the employing agency, which  
10343 examination must have failed to reveal any evidence of  
10344 tuberculosis, heart disease, or hypertension. A law enforcement  
10345 officer, correctional officer, or correctional probation officer  
10346 may not use a physical examination from a former employing  
10347 agency for purposes of claiming the presumption set forth in s.  
10348 112.18 against the current employing agency.

10349 (7) Have a good moral character as determined by a  
10350 background investigation under procedures established by the  
10351 commission.

10352 (8) Execute and submit to the employing agency or, if a  
10353 private correctional officer, submit to the appropriate

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10354 governmental entity an affidavit-of-applicant form, adopted by  
10355 the commission, attesting to his or her compliance with  
10356 subsections (1)-(7). The affidavit must ~~shall~~ be executed under  
10357 oath and constitutes an official statement within the purview of  
10358 s. 837.06. The affidavit must ~~shall~~ include conspicuous language  
10359 that the intentional false execution of the affidavit  
10360 constitutes a misdemeanor of the second degree. The affidavit  
10361 shall be retained by the employing agency.

10362 (9) Complete a commission-approved basic recruit training  
10363 program for the applicable criminal justice discipline, unless  
10364 exempt under this subsection. An applicant who has:

10365 (a) Completed a comparable basic recruit training program  
10366 for the applicable criminal justice discipline in another state  
10367 or for the Federal Government; and

10368 (b) Served as a full-time sworn officer in another state or  
10369 for the Federal Government for at least 1 year and ~~provided~~  
10370 there is no more than an 8-year break in employment, as measured  
10371 from the separation date of the most recent qualifying  
10372 employment to the time a complete application is submitted for  
10373 an exemption under this section,

10374  
10375 is exempt in accordance with s. 943.131(2) from completing the  
10376 commission-approved basic recruit training program.

10377 (10) Achieve an acceptable score on the officer  
10378 certification examination for the applicable criminal justice  
10379 discipline.

10380 (11) Comply with the continuing training or education  
10381 requirements of s. 943.135.

10382 Section 346. Paragraph (i) of subsection (4) of section

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10383 943.61, Florida Statutes, is amended to read:

10384 943.61 Powers and duties of the Capitol Police.—

10385 (4) The Capitol Police shall have the following  
10386 responsibilities, powers, and duties:

10387 (i) To enforce rules of the Department of Environmental  
10388 Protection Management Services governing the regulation of  
10389 traffic and parking within the Capitol Complex and to impound  
10390 illegally or wrongfully parked vehicles.

10391 Section 347. Section 943.66, Florida Statutes, is amended  
10392 to read:

10393 943.66 Rules; Facilities Program, Capitol Police; traffic  
10394 regulation.—The Capitol Police may enforce rules of the  
10395 Department of Environmental Protection Management Services  
10396 governing the administration, operation, and management of the  
10397 Facilities Program and regulating traffic and parking at state-  
10398 owned buildings or on state-owned property and any local  
10399 ordinance on the violation of such if such rules are not in  
10400 conflict with ~~any~~ state law or county or municipal ordinance,  
10401 and are not inconsistent with the other requirements of ss.  
10402 943.61-943.68 or any security plan developed and approved  
10403 thereunder.

10404 Section 348. Section 943.681, Florida Statutes, is amended  
10405 to read:

10406 943.681 Capitol Police program; funding.—Funds shall be  
10407 transferred quarterly, ~~beginning July 1, 2002,~~ by the Department  
10408 of Environmental Protection Management Services, from the  
10409 Supervision Trust Fund, to the Florida Department of Law  
10410 Enforcement for the purpose of funding the Capitol Police  
10411 program. Funds are provided from the office space rental

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10412 receipts assessed to tenant agencies in the Florida Facilities  
10413 Pool, based on the rental assessment mandated in s. 255.51.  
10414 Transfers shall be based on the existing rental rate on July 1,  
10415 2002, unless otherwise appropriated by the Legislature. This  
10416 section does not ~~Additionally, nothing herein shall~~ limit the  
10417 Capitol Police from providing for the safety and security needs  
10418 of the archaeological, archival, and historic treasures and  
10419 artifacts housed in the Historic Capitol or the R.A. Gray  
10420 Building, as the official capitol repositories, from funds  
10421 provided by the Department of State.

10422 Section 349. Subsection (4) of section 944.02, Florida  
10423 Statutes, is amended to read:

10424 944.02 Definitions.—The following words and phrases used in  
10425 this chapter shall, unless the context clearly indicates  
10426 otherwise, have the following meanings:

10427 (4) "Elderly offender" means a prisoner age 50 or older in  
10428 a state correctional institution or facility operated by the  
10429 Department of Corrections or the Department of Financial  
10430 ~~Management~~ Services.

10431 Section 350. Paragraph (a) of subsection (3) of section  
10432 944.10, Florida Statutes, is amended to read:

10433 944.10 Department of Corrections to provide buildings; sale  
10434 and purchase of land; contracts to provide services and inmate  
10435 labor.—

10436 (3) (a) The department may enter into lease-purchase  
10437 agreements to provide correctional facilities for the housing of  
10438 state inmates. However, a ~~no such~~ lease-purchase agreement may  
10439 not shall be entered into without specific legislative  
10440 authorization of that agreement, and funds must be specifically

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10441 appropriated for each ~~lease-purchase~~ agreement. The facilities  
10442 provided through such agreements must ~~shall~~ meet the program  
10443 plans and specifications of the department. The department may  
10444 enter into such lease agreements with private corporations and  
10445 other governmental entities. However, notwithstanding ~~the~~  
10446 ~~provisions of~~ s. 255.25(3)(a), the department may not enter into  
10447 such lease agreement except upon advertisement for and receipt  
10448 of competitive bids and award to the lowest and best bidder,  
10449 unless the lease-purchase agreement is entered into with the  
10450 Department of Environmental Protection Management Services, the  
10451 Florida Correctional Finance Corporation, or the successors or  
10452 assignees of either.

10453 Section 351. Paragraph (b) of subsection (2) of section  
10454 944.115, Florida Statutes, is amended to read:

10455 944.115 Smoking prohibited inside state correctional  
10456 facilities.—

10457 (2) As used in this section, the term:

10458 (b) "Employee" means an employee of the department or a  
10459 private vendor in a contractual relationship with ~~either~~ the  
10460 Department of Corrections or the Department of Financial  
10461 ~~Management~~ Services, and includes persons such as contractors,  
10462 volunteers, or law enforcement officers who are within a state  
10463 correctional facility to perform a professional service.

10464 Section 352. Subsection (1) of section 944.713, Florida  
10465 Statutes, is amended to read:

10466 944.713 Insurance against liability.—

10467 (1) A bidder must provide an adequate plan of insurance  
10468 against liability, including liability for violations of an  
10469 inmate's civil rights by an insurance agency licensed in this

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10470 state, pursuant to chapter 287. The insurance plan must ~~shall~~,  
10471 at a minimum, protect the department from actions of a third  
10472 party, assure the private vendor's ability to fulfill the  
10473 conditions of the contract, and provide adequate protection for  
10474 the department against claims arising as a result of any  
10475 occurrence during the term of the contract on an occurrence  
10476 basis. The adequacy of the insurance plan shall be determined,  
10477 at the bidder's expense, by an independent risk management or  
10478 actuarial firm selected by the Department of Financial  
10479 ~~Management~~ Services. The risk management or actuarial firm  
10480 selected must have demonstrated experience in assessing public  
10481 liability of state government.

10482 Section 353. Subsection (1) of section 944.72, Florida  
10483 Statutes, is amended to read:

10484 944.72 Privately Operated Institutions Inmate Welfare Trust  
10485 Fund.—

10486 (1) ~~There is hereby created in the Department of~~  
10487 ~~Corrections~~ The Privately Operated Institutions Inmate Welfare  
10488 Trust Fund is created in the department. The purpose of the  
10489 trust fund shall be the benefit and welfare of inmates  
10490 incarcerated in private correctional facilities under contract  
10491 with the department pursuant to this chapter or the Department  
10492 of Financial ~~Management~~ Services pursuant to chapter 957. Moneys  
10493 shall be deposited in the trust fund and expenditures made from  
10494 the trust fund as provided in s. 945.215.

10495 Section 354. Section 944.8041, Florida Statutes, is amended  
10496 to read:

10497 944.8041 Elderly offenders; annual review.—For the purpose  
10498 of providing information to the Legislature on elderly offenders

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10499 within the correctional system, the department and the  
10500 Correctional Medical Authority shall each submit annually a  
10501 report on the status and treatment of elderly offenders in the  
10502 state-administered and private state correctional systems, as  
10503 well as such information on the River Junction Correctional  
10504 Institution. In order to adequately prepare the reports, the  
10505 department and the Department of Financial ~~Management~~ Services  
10506 shall grant access to the Correctional Medical Authority which  
10507 includes access to the facilities, offenders, and any  
10508 information the agencies require to complete their reports. The  
10509 review must ~~shall~~ also include an examination of promising  
10510 geriatric policies, practices, and programs currently  
10511 implemented in other correctional systems within the United  
10512 States. The reports, with specific findings and recommendations  
10513 for implementation, shall be submitted to the President of the  
10514 Senate and the Speaker of the House of Representatives on or  
10515 before December 31 of each year.

10516 Section 355. Paragraphs (a) and (c) of subsection (2) of  
10517 section 945.215, Florida Statutes, are amended to read:

10518 945.215 Inmate welfare and employee benefit trust funds.—

10519 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST  
10520 FUND; PRIVATE CORRECTIONAL FACILITIES.—

10521 (a) For purposes of this subsection, privately operated  
10522 institutions or private correctional facilities are those  
10523 correctional facilities under contract with the department  
10524 pursuant to chapter 944 or the Department of Financial  
10525 ~~Management~~ Services pursuant to chapter 957.

10526 (c) The Department of Financial ~~Management~~ Services shall  
10527 annually compile a report that documents Privately Operated

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10528 Institutions Inmate Welfare Trust Fund receipts and expenditures  
10529 at each private correctional facility. This report must  
10530 specifically identify receipt sources and expenditures. The  
10531 department ~~of Management Services~~ shall compile this report for  
10532 the prior fiscal year and shall submit the report by September 1  
10533 of each year to the chairs of the appropriate substantive and  
10534 fiscal committees of the Senate and House of Representatives and  
10535 to the Executive Office of the Governor.

10536 Section 356. Subsection (3) and paragraph (a) of subsection  
10537 (6) of section 946.504, Florida Statutes, are amended to read:

10538 946.504 Organization of corporation to operate correctional  
10539 work programs; lease of facilities.—

10540 (3) The corporation shall negotiate with the Department of  
10541 Environmental Protection ~~Management Services~~ to reach and enter  
10542 into an agreement for the lease of each correctional work  
10543 program proposed by the corporation. The facilities to be leased  
10544 and the amount of rental for such facilities shall be agreed  
10545 upon by the Department of Environmental Protection ~~Management~~  
10546 ~~Services~~ and the corporation, with consultation with the  
10547 department. The length of such lease shall be mutually agreed  
10548 upon among the department, the Department of Environmental  
10549 Protection ~~Management Services~~, and the corporation; however,  
10550 the initial lease may not exceed 7 years. The department shall  
10551 continue to manage and operate the various correctional work  
10552 programs until the lease between the department and the  
10553 corporation is effective.

10554 (6) (a) Upon the effective date of each lease of each  
10555 correctional work program, the department shall remit ~~cause to~~  
10556 ~~be remitted~~ to the corporation all funds appropriated for,

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10557 associated with, or budgeted for the operation of that  
10558 correctional work program, as agreed upon among the department,  
10559 the Department of Environmental Protection Management Services,  
10560 and the corporation.

10561 Section 357. Subsections (2) and (6) of section 946.515,  
10562 Florida Statutes, are amended to read:

10563 946.515 Use of goods and services produced in correctional  
10564 work programs.—

10565 (2) A ~~No~~ similar product or service of comparable price and  
10566 quality found necessary for use by any state agency may not be  
10567 purchased from any source other than the corporation if the  
10568 corporation certifies that the product is manufactured by, or  
10569 the service is provided by, inmates and the product or service  
10570 meets the comparable performance specifications and comparable  
10571 price and quality requirements as specified under s.

10572 287.042(1)(f) or as determined by an individual agency as  
10573 provided in this section. The purchasing authority of ~~any~~ such  
10574 state agency may make reasonable determinations of need, price,  
10575 and quality with reference to products or services available  
10576 from the corporation. If ~~In the event of~~ a dispute between the  
10577 corporation and any purchasing authority based upon price or  
10578 quality under this section or s. 287.042(1)(f), either party may  
10579 request a hearing with the Department of Environmental  
10580 Protection Management Services and if not resolved, either party  
10581 may request a proceeding pursuant to ss. 120.569 and 120.57,  
10582 which shall be referred to the Division of Administrative  
10583 Hearings within 60 days after such request, to resolve any  
10584 dispute under this section. No party is entitled to any appeal  
10585 pursuant to s. 120.68.

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10586 (6) If, pursuant to a contract between any legislative,  
10587 executive, or judicial agency of the state and any private  
10588 contract vendor, a product or service is required by the  
10589 Department of Financial Management Services or on behalf of any  
10590 state agency, is certified by or is available from the  
10591 corporation identified in this chapter, and has been approved in  
10592 accordance with subsection (2), the contract must contain the  
10593 following language:

10594  
10595 IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY  
10596 ARTICLES THAT ~~WHICH~~ ARE THE SUBJECT OF, OR REQUIRED TO  
10597 CARRY OUT, THIS CONTRACT MUST ~~SHALL~~ BE PURCHASED FROM  
10598 THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN  
10599 THE SAME MANNER AND UNDER THE SAME PROCEDURES SET  
10600 FORTH IN SECTION 946.515(2), AND (4), F.S.; AND FOR  
10601 PURPOSES OF THIS CONTRACT, THE PERSON, FIRM, OR OTHER  
10602 BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS  
10603 CONTRACT IS ~~SHALL BE~~ DEEMED TO BE SUBSTITUTED FOR THIS  
10604 AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE  
10605 CONCERNED.

10606 Section 358. Section 946.525, Florida Statutes, is amended  
10607 to read:

10608 946.525 Participation by the corporation in the state group  
10609 health insurance and prescription drug programs.—

10610 (1) The board of directors of the corporation established  
10611 under this part may apply for participation in the state group  
10612 health insurance program authorized in s. 110.123 and the  
10613 prescription drug coverage program authorized by s. 110.12315 by  
10614 submitting an application along with a \$500 nonrefundable fee to

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10615 the Department of Personnel Management ~~Services~~.

10616 (2) As a prerequisite to the adoption of a resolution for  
10617 participation in the state group health insurance and  
10618 prescription drug coverage program, the corporation shall seek  
10619 proposals to provide health insurance and prescription drug  
10620 coverages which ~~coverages~~ are equivalent to those offered  
10621 currently by the corporation and ~~coverages~~ equivalent to the  
10622 state group health insurance and prescription drug coverage  
10623 program. The corporation shall review and consider all  
10624 responsive proposals before ~~prior to the~~ adoption of any  
10625 resolution for participation in the state group health insurance  
10626 and prescription drug coverage program.

10627 (3) If the Department of Personnel Management ~~Services~~  
10628 determines that the corporation is eligible to enroll, the  
10629 corporation must agree to the following terms and conditions:

10630 (a) The minimum enrollment or contractual period is ~~will be~~  
10631 3 years.

10632 (b) The corporation must pay to the department ~~of~~  
10633 ~~Management Services~~ an initial administrative fee not less than  
10634 \$2.61 per enrollee per month, or such other amount established  
10635 annually to fully reimburse the department ~~of Management~~  
10636 ~~Services~~ for its costs.

10637 (c) Termination of participation of the corporation  
10638 requires written notice 1 year before the termination date.

10639 (d) If participation is terminated, the corporation may not  
10640 reapply for participation for ~~a period of~~ 2 years.

10641 (e) The corporation shall reimburse the state for 100  
10642 percent of its costs, including administrative costs.

10643 (f) If the corporation fails to make the payments required

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10644 by this section to fully reimburse the state, the Department of  
10645 Revenue or the Department of Financial Services shall, upon the  
10646 request of the Department of Personnel Management ~~Services~~,  
10647 deduct the amount owed by the employer from any funds to be  
10648 distributed by it to the corporation. The amounts so deducted  
10649 shall be transferred to the Department of Personnel Management  
10650 ~~Services~~ for further distribution to the trust funds in  
10651 accordance with this chapter.

10652 (g) The corporation shall furnish the Department of  
10653 Personnel Management ~~Services~~ any information requested by the  
10654 department ~~of Management Services~~ which the department ~~of~~  
10655 ~~Management Services~~ considers necessary to administer the state  
10656 group health insurance program and the prescription drug  
10657 program.

10658 (4) Sections ~~The provisions of ss.~~ 624.436-624.446 do not  
10659 apply to the State Group Insurance Program or to this section.

10660 (5) The Department of Personnel Management ~~Services~~ may  
10661 adopt rules necessary to administer this section.

10662 Section 359. Section 957.04, Florida Statutes, is amended  
10663 to read:

10664 957.04 Contract requirements.—

10665 (1) A contract entered into under this chapter for the  
10666 operation of private correctional facilities must ~~shall~~ maximize  
10667 the cost savings of such facilities and shall:

10668 (a) Be negotiated with the firm found most qualified.  
10669 However, a contract for private correctional services may not be  
10670 entered into by the Department of Financial ~~Management~~ Services  
10671 unless the Department of Financial ~~Management~~ Services  
10672 determines that the contractor has demonstrated that it has:

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10673 1. The qualifications, experience, and management personnel  
10674 necessary to carry out the terms of the contract.

10675 2. The ability to expedite the siting, design, and  
10676 construction of correctional facilities.

10677 3. The ability to comply with applicable laws, court  
10678 orders, and national correctional standards.

10679 (b) Indemnify the state and the department, including their  
10680 officials and agents, against any and all liability, including,  
10681 but not limited to, civil rights liability. Proof of  
10682 satisfactory insurance is required in an amount to be determined  
10683 by the Department of Financial ~~Management~~ Services.

10684 (c) Require that the contractor seek, obtain, and maintain  
10685 accreditation by the American Correctional Association for the  
10686 facility under that contract. Compliance with amendments to the  
10687 accreditation standards of the association is required upon the  
10688 approval of such amendments by the commission.

10689 (d) Require that the proposed facilities and the management  
10690 plans for the inmates meet applicable American Correctional  
10691 Association standards and the requirements of all applicable  
10692 court orders and state law.

10693 (e) Establish operations standards for correctional  
10694 facilities subject to the contract. However, if the department  
10695 and the contractor disagree with an operations standard, the  
10696 contractor may propose to waive any rule, policy, or procedure  
10697 of the department related to the operations standards of  
10698 correctional facilities which is inconsistent with the mission  
10699 of the contractor to establish cost-effective, privately  
10700 operated correctional facilities. The Department of Financial  
10701 ~~Management~~ Services is ~~shall be~~ responsible for considering all

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10702 proposals from the contractor to waive any rule, policy, or  
10703 procedure and shall render a final decision granting or denying  
10704 such request.

10705 (f) Require the contractor to be responsible for a range of  
10706 dental, medical, and psychological services; diet; education;  
10707 and work programs at least equal to those provided by the  
10708 department in comparable facilities. The work and education  
10709 programs must be designed to reduce recidivism, and include  
10710 opportunities to participate in such work programs as authorized  
10711 pursuant to s. 946.523.

10712 (g) Require the selection and appointment of a full-time  
10713 contract monitor. The contract monitor shall be appointed and  
10714 supervised by the Department of Financial ~~Management~~ Services.  
10715 The contractor is required to reimburse the Department of  
10716 Financial ~~Management~~ Services for the salary and expenses of the  
10717 contract monitor. It is the obligation of the contractor to  
10718 provide suitable office space for the contract monitor at the  
10719 correctional facility. The contract monitor shall have unlimited  
10720 access to the correctional facility.

10721 (h) Be for a period of 3 years and may be renewed for  
10722 successive 2-year periods thereafter. However, the state is not  
10723 obligated for any payments to the contractor beyond current  
10724 annual appropriations.

10725 (2) Each contract entered into for the design and  
10726 construction of a private correctional facility or juvenile  
10727 commitment facility must include:

10728 (a) Notwithstanding any provision of chapter 255 ~~to the~~  
10729 ~~contrary~~, a specific provision authorizing the use of tax-exempt  
10730 financing through the issuance of tax-exempt bonds, certificates

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10731 of participation, lease-purchase agreements, or other tax-exempt  
10732 financing methods. Pursuant to s. 255.25, approval is hereby  
10733 provided for the lease-purchase of up to two private  
10734 correctional facilities and any other facility authorized by the  
10735 General Appropriations Act.

10736 (b) A specific provision requiring the design and  
10737 construction of the proposed facilities to meet the applicable  
10738 standards of the American Correctional Association and the  
10739 requirements of all applicable court orders and state law.

10740 (c) A specific provision requiring the contractor, and not  
10741 the Department of Financial Management Services, to obtain the  
10742 financing required to design and construct the private  
10743 correctional facility or juvenile commitment facility built  
10744 under this chapter.

10745 (d) A specific provision stating that the state is not  
10746 obligated for any payments that exceed the amount of the current  
10747 annual appropriation.

10748 (3) (a) Each contract for the designing, financing,  
10749 acquiring, leasing, constructing, and operating of a private  
10750 correctional facility is ~~shall be~~ subject to ss. 255.2502 and  
10751 255.2503.

10752 (b) Each contract for the designing, financing, acquiring,  
10753 leasing, and constructing of a private juvenile commitment  
10754 facility is ~~shall be~~ subject to ss. 255.2502 and 255.2503.

10755 (4) A contract entered into under this chapter does not  
10756 accord third-party beneficiary status to any inmate or juvenile  
10757 offender or to any member of the general public.

10758 (5) Each contract entered into by the Department of  
10759 Financial Management Services must include substantial minority

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10760 participation unless demonstrated by evidence, after a good  
10761 faith effort, as impractical and must also include any other  
10762 requirements the Department of Financial ~~Management~~ Services  
10763 considers necessary and appropriate for carrying out the  
10764 purposes of this chapter.

10765 (6) Notwithstanding s. 253.025(7), the Board of Trustees of  
10766 the Internal Improvement Trust Fund need not approve a lease-  
10767 purchase agreement negotiated by the Department of Financial  
10768 ~~Management~~ Services if the department ~~of Management Services~~  
10769 finds that there is a need to expedite the lease-purchase.

10770 (7) (a) Notwithstanding s. 253.025 or s. 287.057, if  
10771 ~~whenever~~ the Department of Financial ~~Management~~ Services finds  
10772 it to be in the best interest of timely site acquisition, it may  
10773 contract without the need for competitive selection with one or  
10774 more appraisers whose names are contained on the list of  
10775 approved appraisers maintained by the Division of State Lands of  
10776 the Department of Environmental Protection in accordance with s.  
10777 253.025(6) (b). If ~~In those instances when~~ the Department of  
10778 Management Services directly contracts for appraisal services,  
10779 it shall also contract with an approved appraiser who is not  
10780 employed by the same appraisal firm for review services.

10781 (b) Notwithstanding s. 253.025(6), the Department of  
10782 Financial ~~Management~~ Services may negotiate and enter into  
10783 lease-purchase agreements before an appraisal is obtained. Any  
10784 such agreement must state that the final purchase price cannot  
10785 exceed the maximum value allowed by law.

10786 Section 360. Subsection (2) of section 957.06, Florida  
10787 Statutes, is amended to read:

10788 957.06 Powers and duties not delegable to contractor.—A

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10789 contract entered into under this chapter does not authorize,  
10790 allow, or imply a delegation of authority to the contractor to:

10791 (2) Choose the facility to which an inmate is initially  
10792 assigned or subsequently transferred. The contractor may  
10793 request, in writing, that an inmate be transferred to a facility  
10794 operated by the department. The Department of Financial  
10795 ~~Management~~ Services, the contractor, and the department shall  
10796 develop and implement a cooperative agreement for transferring  
10797 inmates between a correctional facility operated by the  
10798 department and a private correctional facility. The department,  
10799 the Department of Financial ~~Management~~ Services, and the  
10800 contractor must comply with the cooperative agreement.

10801 Section 361. Subsection (1) and paragraph (d) of subsection  
10802 (5) of section 957.07, Florida Statutes, are amended to read:

10803 957.07 Cost-saving requirements.—

10804 (1) The Department of Financial ~~Management~~ Services may not  
10805 enter into a contract or series of contracts unless the  
10806 department determines that the contract or series of contracts  
10807 in total for the facility will result in a cost savings to the  
10808 state of at least 7 percent over the public provision of a  
10809 similar facility. Such cost savings, as determined by the  
10810 Department of Financial ~~Management~~ Services, must be based upon  
10811 the actual costs associated with the construction and operation  
10812 of similar facilities or services as determined by the  
10813 Department of Corrections and certified by the Auditor General.  
10814 The Department of Corrections shall calculate all of the cost  
10815 components that determine the inmate per diem in correctional  
10816 facilities of a substantially similar size, type, and location  
10817 that are operated by the department ~~of Corrections~~, including

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10818 administrative costs associated with central administration.  
10819 Services that are provided to the Department of Corrections by  
10820 other governmental agencies at no direct cost to the department  
10821 shall be assigned an equivalent cost and included in the per  
10822 diem.

10823 (5)

10824 (d) If a private vendor chooses not to renew the contract  
10825 at the appropriated level, the Department of Financial  
10826 ~~Management~~ Services shall terminate the contract as provided in  
10827 s. 957.14.

10828 Section 362. Section 957.08, Florida Statutes, is amended  
10829 to read:

10830 957.08 Capacity requirements.—The Department of Corrections  
10831 shall transfer and assign prisoners to each private correctional  
10832 facility opened pursuant to this chapter in an amount not less  
10833 than 90 percent or more than 100 percent of the capacity of the  
10834 facility pursuant to the contract with the Department of  
10835 Financial ~~Management~~ Services. The prisoners transferred by the  
10836 Department of Corrections must ~~shall~~ represent a cross-section  
10837 of the general inmate population, based on the grade of custody  
10838 or the offense of conviction, at the most comparable facility  
10839 operated by the department.

10840 Section 363. Section 957.14, Florida Statutes, is amended  
10841 to read:

10842 957.14 Contract termination and control of a correctional  
10843 facility by the department.—A detailed plan shall be provided by  
10844 a private vendor under which the department shall assume  
10845 temporary control of a private correctional facility upon  
10846 termination of the contract. The Department of Financial

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10847 ~~Management~~ Services may terminate the contract with cause after  
10848 written notice of material deficiencies and after 60 workdays in  
10849 order to correct the material deficiencies. If any event occurs  
10850 that involves the noncompliance with or violation of contract  
10851 terms and ~~that~~ presents a serious threat to the safety, health,  
10852 or security of the inmates, employees, or the public, the  
10853 department may temporarily assume control of the private  
10854 correctional facility, with the approval of the Department of  
10855 Financial ~~Management~~ Services. A plan must ~~shall~~ also be  
10856 provided by a private vendor for the purchase and temporary  
10857 assumption of operations of a correctional facility by the  
10858 department in the event of bankruptcy or the financial  
10859 insolvency of the private vendor. The private vendor shall  
10860 provide an emergency plan to address inmate disturbances,  
10861 employee work stoppages, strikes, or other serious events in  
10862 accordance with standards of the American Correctional  
10863 Association.

10864 Section 364. Section 957.15, Florida Statutes, is amended  
10865 to read:

10866 957.15 Funding of contracts for operation, maintenance, and  
10867 lease-purchase of private correctional facilities.—The request  
10868 for appropriation of funds to make payments pursuant to  
10869 contracts entered into by the Department of Financial ~~Management~~  
10870 Services for the operation, maintenance, and lease-purchase of  
10871 the private correctional facilities authorized by this chapter  
10872 shall be made by the Department of Financial ~~Management~~ Services  
10873 in a request to the department. The department shall include  
10874 such request in its budget request to the Legislature as a  
10875 separately identified item and shall forward the request of the

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10876 Department of Financial ~~Management~~ Services without change.  
10877 After an appropriation has been made by the Legislature to the  
10878 department for the private correctional facilities, the  
10879 department shall have no authority over such funds other than to  
10880 pay from such appropriation to the appropriate private vendor  
10881 such amounts as are certified for payment by the Department of  
10882 Financial ~~Management~~ Services.

10883 Section 365. Section 957.16, Florida Statutes, is amended  
10884 to read:

10885 957.16 Expanding capacity.—The Department of Financial  
10886 ~~Management~~ Services may ~~is authorized to~~ modify and execute  
10887 agreements with contractors to expand up to the total capacity  
10888 of contracted correctional facilities. Total capacity means the  
10889 design capacity of all contracted correctional facilities  
10890 increased by one-half as described under s. 944.023(1)(b). Any  
10891 additional beds authorized under this section must comply with  
10892 the cost-saving requirements set forth in s. 957.07. Any  
10893 additional beds authorized as a result of expanded capacity  
10894 under this section are contingent upon specified appropriations.

10895 Section 366. Subsection (3) of section 1001.27, Florida  
10896 Statutes, is amended to read:

10897 1001.27 State satellite network.—

10898 (3) The department, in consultation with the Department of  
10899 Financial ~~Management~~ Services, shall implement the provisions of  
10900 this section and coordinate the network. Specifically, the  
10901 department shall:

10902 (a) Provide for technical analysis of suitable existing  
10903 satellite receiving equipment at Florida public postsecondary  
10904 educational institutions for inclusion in the network.

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10905 (b) Acquire by competitive sealed bid and place appropriate  
10906 receiving equipment in those community college regions of the  
10907 state in which such equipment is presently not available at a  
10908 public postsecondary educational institution.

10909 (c) Develop an implementation plan that provides for  
10910 designation of a site in each community college region for  
10911 inclusion in the initial network. Criteria for selection must  
10912 ~~shall~~ include:

10913 1. Accessibility to a substantial portion of the population  
10914 of the region.

10915 2. Demonstrated institutional commitment to support and  
10916 encourage use of the network both within the region and  
10917 statewide.

10918 3. Willingness to complement state support with matching  
10919 institutional resources.

10920 4. Evidence of cooperation and coordinated planning with  
10921 other postsecondary educational institutions in the region.

10922 5. Availability of existing telecommunications equipment  
10923 which is compatible or adaptable for use in the network.

10924 (d) Identify additional sites for inclusion in the network  
10925 in the event that demand exceeds the capacity of the initial  
10926 network.

10927 (e) Coordinate scheduling and encourage use of the network.

10928 (f) Develop operating procedures for the system and  
10929 recommend fee schedules for both public and private entities  
10930 wishing to transmit or receive programming through the network.  
10931 Scheduling procedures must ~~shall~~ assign the highest priority to  
10932 educational programming.

10933 (g) Provide training for institutional, state agency, and

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10934 other personnel in effective techniques for the use of the  
10935 network.

10936 (h) Provide initial startup support for operations,  
10937 maintenance, and publicity costs of the network. Continuation  
10938 costs in these areas shall be recovered through user fees and  
10939 local resources.

10940 Section 367. Paragraph (j) of subsection (12) of section  
10941 1001.42, Florida Statutes, is amended to read:

10942 1001.42 Powers and duties of district school board.—The  
10943 district school board, acting as a board, shall exercise all  
10944 powers and perform all duties listed below:

10945 (12) FINANCE.—Take steps to assure students adequate  
10946 educational facilities through the financial procedure  
10947 authorized in chapters 1010 and 1011 and as prescribed below:

10948 (j) *Purchasing regulations to be secured from Department of*  
10949 *Financial Management Services.*—Secure purchasing regulations and  
10950 amendments and changes thereto from the Department of Financial  
10951 ~~Management~~ Services and report prior to any expected purchase  
10952 ~~have reported to the department it by its staff,~~ and give  
10953 consideration to the lowest price available ~~to it~~ under such  
10954 regulations, if provided a regulation applicable to the item or  
10955 items being purchased has been adopted by the department. The  
10956 department should meet with educational administrators to expand  
10957 the inventory of standard items for common usage in all schools  
10958 and postsecondary educational institutions.

10959 Section 368. Paragraph (b) of subsection (1) of section  
10960 1001.705, Florida Statutes, is amended to read:

10961 1001.705 Responsibility for the State University System  
10962 under s. 7, Art. IX of the State Constitution; legislative

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10963 finding and intent.—

10964 (1) LEGISLATIVE FINDINGS.—

10965 (b) *Constitutional duties of the Board of Governors of the*  
10966 *State University System.*—In accordance with s. 7, Art. IX of the  
10967 State Constitution, the Board of Governors of the State  
10968 University System has the duty to operate, regulate, control,  
10969 and be fully responsible for the management of the whole  
10970 publicly funded State University System and the board, or the  
10971 board's designee, has responsibility for:

10972 1. Defining the distinctive mission of each constituent  
10973 university.

10974 2. Defining the articulation of each constituent university  
10975 in conjunction with the Legislature's authority over the public  
10976 schools and community colleges.

10977 3. Ensuring the well-planned coordination and operation of  
10978 the State University System.

10979 4. Avoiding wasteful duplication of facilities or programs  
10980 within the State University System.

10981 5. Accounting for expenditure of funds appropriated by the  
10982 Legislature for the State University System as provided by law.

10983 6. Submitting a budget request for legislative  
10984 appropriations for the institutions under the supervision of the  
10985 board as provided by law.

10986 7. Adopting strategic plans for the State University System  
10987 and each constituent university.

10988 8. Approving, reviewing, and terminating degree programs of  
10989 the State University System.

10990 9. Governing admissions to the state universities.

10991 10. Serving as the public employer to all public employees

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10992 of state universities for collective bargaining purposes.

10993 11. Establishing a personnel system for all state  
10994 university employees; however, the Department of Personnel  
10995 Management ~~Services~~ shall retain authority over state university  
10996 employees for programs established in ss. 110.123, 110.1232,  
10997 110.1234, 110.1238, and 110.161, and in chapters 121, 122, and  
10998 238.

10999 12. Complying with, and enforcing for institutions under  
11000 the board's jurisdiction, all applicable local, state, and  
11001 federal laws.

11002 Section 369. Paragraph (b) of subsection (5) of section  
11003 1001.706, Florida Statutes, is amended to read:

11004 1001.706 Powers and duties of the Board of Governors.—

11005 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

11006 (b) The Department of Personnel Management ~~Services~~ shall  
11007 retain authority over state university employees for programs  
11008 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
11009 110.161 and in chapters 121, 122, and 238. Unless specifically  
11010 authorized by law, neither the Board of Governors nor a state  
11011 university may offer group insurance programs for employees as a  
11012 substitute for or as an alternative to the health insurance  
11013 programs offered pursuant to chapter 110.

11014 Section 370. Paragraph (c) of subsection (5) of section  
11015 1001.74, Florida Statutes, is amended to read:

11016 1001.74 Powers and duties of university boards of  
11017 trustees.—

11018 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

11019 (c) The Department of Personnel Management ~~Services~~ shall  
11020 retain authority over state university employees for programs

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11021 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
11022 110.161 and in chapters 121, 122, and 238. Unless specifically  
11023 authorized by law, neither the Board of Governors nor a state  
11024 university may offer group insurance programs for employees as a  
11025 substitute for or as an alternative to the health insurance  
11026 programs offered pursuant to chapter 110.

11027 Section 371. Paragraph (f) of subsection (4) of section  
11028 1002.36, Florida Statutes, is amended to read:

11029 1002.36 Florida School for the Deaf and the Blind.—

11030 (4) BOARD OF TRUSTEES.—

11031 (f) The board of trustees shall:

11032 1. Prepare and submit legislative budget requests for  
11033 operations and fixed capital outlay, in accordance with chapter  
11034 216 and ss. 1011.56 and 1013.60, to the Department of Education  
11035 for review and approval. The department must analyze the amount  
11036 requested for fixed capital outlay to determine if the request  
11037 is consistent with the school's campus master plan, educational  
11038 plant survey, and facilities master plan. Projections of  
11039 facility space needs may exceed the norm space and occupant  
11040 design criteria established in the State Requirements for  
11041 Educational Facilities.

11042 2. Approve and administer an annual operating budget in  
11043 accordance with ss. 1011.56 and 1011.57.

11044 3. Require all funds received other than gifts, donations,  
11045 bequests, funds raised by or belonging to student clubs or  
11046 student organizations, and funds held for specific students or  
11047 in accounts for individual students to be deposited in the State  
11048 Treasury and expended as authorized in the General  
11049 Appropriations Act.

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11050 4. Require all purchases to be in accordance with the  
11051 ~~provisions of~~ chapter 287 except for purchases made with funds  
11052 received as gifts, donations, or bequests; funds raised by or  
11053 belonging to student clubs or student organizations; or funds  
11054 held for specific students or in accounts for individual  
11055 students.

11056 5. Administer and maintain personnel programs for all  
11057 employees of the board of trustees and the Florida School for  
11058 the Deaf and the Blind who are ~~shall be~~ state employees,  
11059 including the personnel classification and pay plan established  
11060 in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for  
11061 academic and academic administrative personnel, the provisions  
11062 of chapter 110, and the provisions of law that grant authority  
11063 to the Department of Personnel Management ~~Services~~ over such  
11064 programs for state employees.

11065 6. Give preference in appointment and retention in  
11066 positions of employment as provided in ~~within~~ s. 295.07(1).

11067 7. Ensure that the Florida School for the Deaf and the  
11068 Blind complies with s. 1013.351 concerning the coordination of  
11069 planning between the Florida School for the Deaf and the Blind  
11070 and local governing bodies.

11071 8. Ensure that the Florida School for the Deaf and the  
11072 Blind complies with s. 112.061 concerning per diem and travel  
11073 expenses of public officers, employees, and authorized persons  
11074 with respect to all funds other than funds received as gifts,  
11075 donations, or bequests; funds raised by or belonging to student  
11076 clubs or student organizations; or funds held for specific  
11077 students or in accounts for individual students.

11078 9. Adopt a master plan that ~~which~~ specifies the mission and

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11079 objectives of the Florida School for the Deaf and the Blind. The  
11080 plan must ~~shall~~ include, but not be limited to, procedures for  
11081 systematically measuring the school's progress toward meeting  
11082 its objectives, analyzing changes in the student population, and  
11083 modifying school programs and services to respond to such  
11084 changes. The plan shall be for ~~a period of~~ 5 years and shall be  
11085 reviewed for needed modifications every 2 years. The board of  
11086 trustees shall submit the initial plan and subsequent  
11087 modifications to the Speaker of the House of Representatives and  
11088 the President of the Senate.

11089 10. Designate a portion of the school as "The Verle Allyn  
11090 Pope Complex for the Deaf," in tribute to the late Senator Verle  
11091 Allyn Pope.

11092 Section 372. Paragraph (f) of subsection (2) of section  
11093 1002.37, Florida Statutes, is amended to read:

11094 1002.37 The Florida Virtual School.—

11095 (2) The Florida Virtual School shall be governed by a board  
11096 of trustees comprised of seven members appointed by the Governor  
11097 to 4-year staggered terms. The board of trustees shall be a  
11098 public agency entitled to sovereign immunity pursuant to s.  
11099 768.28, and board members shall be public officers who shall  
11100 bear fiduciary responsibility for the Florida Virtual School.  
11101 The board of trustees shall have the following powers and  
11102 duties:

11103 (f) In accordance with law and rules of the State Board of  
11104 Education, the board of trustees shall administer and maintain  
11105 personnel programs for all employees of the board of trustees  
11106 and the Florida Virtual School. The board of trustees may adopt  
11107 rules, policies, and procedures related to the appointment,

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11108 employment, and removal of personnel.

11109 1. The board of trustees shall determine the compensation,  
11110 including salaries and fringe benefits, and other conditions of  
11111 employment for such personnel.

11112 2. The board of trustees may establish and maintain a  
11113 personnel loan or exchange program by which persons employed by  
11114 the board of trustees for the Florida Virtual School as academic  
11115 administrative and instructional staff may be loaned to, or  
11116 exchanged with persons employed in like capacities by, public  
11117 agencies ~~either~~ within or without this state, or by private  
11118 industry. With respect to public agency employees, the program  
11119 must ~~authorized by this subparagraph shall~~ be consistent with  
11120 the requirements of part II of chapter 112. The salary and  
11121 benefits of board of trustees personnel participating in the  
11122 loan or exchange program shall be continued during the period ~~of~~  
11123 ~~time~~ they participate in a loan or exchange program, and such  
11124 personnel shall be deemed to not have a no break in creditable  
11125 or continuous service or employment during such time. The salary  
11126 and benefits of persons participating in the personnel loan or  
11127 exchange program who are employed by public agencies or private  
11128 industry shall be paid by the originating employers of those  
11129 participants, and such personnel are ~~shall be~~ deemed to have no  
11130 break in creditable or continuous service or employment during  
11131 such time.

11132 3. The employment of all Florida Virtual School academic  
11133 administrative and instructional personnel is ~~shall be~~ subject  
11134 to rejection for cause by the board of trustees, and ~~shall be~~  
11135 ~~subject~~ to policies of the board of trustees relative to  
11136 certification, tenure, leaves of absence, sabbaticals,

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11137 remuneration, and such other conditions of employment as the  
11138 board of trustees deems necessary and proper, not inconsistent  
11139 with law.

11140 4. Each person employed by the board of trustees in an  
11141 academic administrative or instructional capacity with the  
11142 Florida Virtual School is ~~shall be~~ entitled to a contract as  
11143 provided by rules of the board of trustees.

11144 5. All employees except temporary, seasonal, and student  
11145 employees may be state employees for the purpose of being  
11146 eligible to participate in the Florida Retirement System and  
11147 receive benefits. The classification and pay plan, including  
11148 terminal leave and other benefits are, ~~and any amendments~~  
11149 ~~thereto, shall be~~ subject to review and approval by the  
11150 Department of Personnel Management ~~Services~~ and the Executive  
11151 Office of the Governor before ~~prior to~~ adoption.

11152  
11153 The Governor shall designate the initial chair of the board of  
11154 trustees to serve a term of 4 years. Members of the board of  
11155 trustees shall serve without compensation, but may be reimbursed  
11156 for per diem and travel expenses pursuant to s. 112.061. The  
11157 board of trustees shall be a body corporate with all the powers  
11158 of a body corporate and such authority as is needed for the  
11159 proper operation and improvement of the Florida Virtual School.  
11160 The board of trustees is specifically authorized to adopt rules,  
11161 policies, and procedures, consistent with law and rules of the  
11162 State Board of Education related to governance, personnel,  
11163 budget and finance, administration, programs, curriculum and  
11164 instruction, travel and purchasing, technology, students,  
11165 contracts and grants, and property as necessary for optimal,

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11166 efficient operation of the Florida Virtual School. Tangible  
11167 personal property owned by the board of trustees shall be  
11168 subject to the provisions of chapter 273.

11169 Section 373. Paragraph (c) of subsection (2) of section  
11170 1004.58, Florida Statutes, is amended to read:

11171 1004.58 Leadership Board for Applied Research and Public  
11172 Service.—

11173 (2) Membership of the board shall be:

11174 (c) The executive director ~~secretary~~ of Personnel  
11175 Management ~~the Department of Management Services~~.

11176 Section 374. Paragraph (f) of subsection (3) and paragraph  
11177 (a) of subsection (6) of section 1012.33, Florida Statutes, are  
11178 amended to read:

11179 1012.33 Contracts with instructional staff, supervisors,  
11180 and school principals.—

11181 (3)

11182 (f) The district school superintendent shall notify an  
11183 employee who holds a professional service contract on July 1,  
11184 1997, in writing, within ~~no later than~~ 6 weeks before ~~prior to~~  
11185 the end of the postschool conference period, of performance  
11186 deficiencies which may result in termination of employment, if  
11187 not corrected during the subsequent year of employment, ~~which~~  
11188 shall be granted for an additional year in accordance with ~~the~~  
11189 ~~provisions in~~ subsection (1)~~). Except as otherwise hereinafter~~  
11190 provided, this action is ~~shall not be~~ subject to ~~the provisions~~  
11191 ~~of~~ chapter 120, but the following procedures ~~shall~~ apply:

11192 1. On receiving notice of unsatisfactory performance, the  
11193 employee, on request, shall be accorded an opportunity to meet  
11194 with the district school superintendent, or a ~~his or her~~

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11195 designee, for an informal review of the determination of  
11196 unsatisfactory performance.

11197         2. An employee notified of unsatisfactory performance may  
11198 request ~~an opportunity to be considered for~~ a transfer to  
11199 another appropriate position, with a different supervising  
11200 administrator, for the subsequent year of employment. If the  
11201 request for the transfer is granted, the district school  
11202 superintendent shall annually report to the department the total  
11203 number of employees transferred pursuant to this subparagraph,  
11204 where they were transferred, and what, if any, remediation was  
11205 implemented to remediate the unsatisfactory performance.

11206         3. During the subsequent year, the employee shall be  
11207 provided assistance and inservice training opportunities to help  
11208 correct the noted performance deficiencies. The employee shall  
11209 also be evaluated periodically so that he or she will be kept  
11210 apprised of progress achieved.

11211         4. At least ~~Not later than~~ 6 weeks before ~~prior to~~ the  
11212 close of the postschool conference period of the subsequent  
11213 year, the district school superintendent, after receiving and  
11214 reviewing the recommendation required by s. 1012.34, shall  
11215 notify the employee, in writing, whether the performance  
11216 deficiencies have been corrected. If so, a new professional  
11217 service contract shall be issued to the employee. If the  
11218 performance deficiencies have not been corrected, the district  
11219 school superintendent may notify the district school board and  
11220 the employee, in writing, that the employee shall not be issued  
11221 a new professional service contract; however, if the  
11222 recommendation of the district school superintendent is not to  
11223 issue a new professional service contract, and if the employee

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11224 wishes to contest such recommendation, the employee will have 15  
11225 days from receipt of the district school superintendent's  
11226 recommendation to demand, in writing, a hearing. In such  
11227 hearing, the employee may raise as an issue, among other things,  
11228 the sufficiency of the district school superintendent's charges  
11229 of unsatisfactory performance. Such hearing shall be conducted  
11230 at the district school board's election in accordance with one  
11231 of the following procedures:

11232 a. A direct hearing conducted by the district school board  
11233 within 60 days after ~~of~~ receipt of the written appeal. The  
11234 hearing shall be conducted in accordance with ~~the provisions of~~  
11235 ss. 120.569 and 120.57. A majority vote of the membership of the  
11236 district school board is ~~shall be~~ required to sustain the  
11237 district school superintendent's recommendation. The  
11238 determination of the district school board is ~~shall be~~ final as  
11239 to the sufficiency or insufficiency of the grounds for  
11240 termination of employment; or

11241 b. A hearing conducted by an administrative law judge  
11242 assigned by the Division of Administrative Hearings ~~of the~~  
11243 ~~Department of Management Services~~. The hearing must ~~shall~~ be  
11244 conducted within 60 days after ~~of~~ receipt of the written appeal  
11245 in accordance with chapter 120. The recommendation of the  
11246 administrative law judge shall be made to the district school  
11247 board. A majority vote of the membership of the district school  
11248 board is ~~shall be~~ required to sustain or change the  
11249 administrative law judge's recommendation. The determination of  
11250 the district school board is ~~shall be~~ final as to the  
11251 sufficiency or insufficiency of the grounds for termination of  
11252 employment.

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11253 (6) (a) Any member of the instructional staff, excluding an  
11254 employee specified in subsection (4), may be suspended or  
11255 dismissed at any time during the term of the contract for just  
11256 cause as provided in paragraph (1) (a). The district school board  
11257 must notify the employee in writing whenever charges are made  
11258 against the employee and may suspend such person without pay;  
11259 however ~~but~~, if the charges are not sustained, the employee must  
11260 ~~shall~~ be immediately reinstated, and his or her back salary  
11261 ~~shall be~~ paid. If the employee wishes to contest the charges,  
11262 the employee must, within 15 days after receipt of the written  
11263 notice, submit a written request for a hearing. Such hearing  
11264 shall be conducted at the district school board's election in  
11265 accordance with one of the following procedures:

11266 1. A direct hearing conducted by the district school board  
11267 within 60 days after receipt of the written appeal. The hearing  
11268 shall be conducted in accordance with ~~the provisions of~~ ss.  
11269 120.569 and 120.57. A majority vote of the membership of the  
11270 district school board is ~~shall be~~ required to sustain the  
11271 district school superintendent's recommendation. The  
11272 determination of the district school board is ~~shall be~~ final as  
11273 to the sufficiency or insufficiency of the grounds for  
11274 termination of employment; or

11275 2. A hearing conducted by an administrative law judge  
11276 assigned by the Division of Administrative Hearings ~~of the~~  
11277 ~~Department of Management Services~~. The hearing shall be  
11278 conducted within 60 days after receipt of the written appeal in  
11279 accordance with chapter 120. The recommendation of the  
11280 administrative law judge shall be made to the district school  
11281 board. A majority vote of the membership of the district school

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11282 board is ~~shall be~~ required to sustain or change the  
11283 administrative law judge's recommendation. The determination of  
11284 the district school board is ~~shall be~~ final as to the  
11285 sufficiency or insufficiency of the grounds for termination of  
11286 employment.

11287  
11288 Any such decision adverse to the employee may be appealed by the  
11289 employee pursuant to s. 120.68, provided such appeal is filed  
11290 within 30 days after the decision of the district school board.

11291 Section 375. Paragraph (d) of subsection (3) of section  
11292 1012.34, Florida Statutes, is amended to read:

11293 1012.34 Assessment procedures and criteria.—

11294 (3) The assessment procedure for instructional personnel  
11295 and school administrators must be primarily based on the  
11296 performance of students assigned to their classrooms or schools,  
11297 as appropriate. Pursuant to this section, a school district's  
11298 performance assessment is not limited to basing unsatisfactory  
11299 performance of instructional personnel and school administrators  
11300 upon student performance, but may include other criteria  
11301 approved to assess instructional personnel and school  
11302 administrators' performance, or any combination of student  
11303 performance and other approved criteria. The procedures must  
11304 comply with, but are not limited to, the following requirements:

11305 (d) If an employee is not performing his or her duties in a  
11306 satisfactory manner, the evaluator shall notify the employee in  
11307 writing of such determination. The notice must describe such  
11308 unsatisfactory performance and include notice of the following  
11309 procedural requirements:

11310 1. Upon delivery of a notice of unsatisfactory performance,

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11311 the evaluator must confer with the employee, make  
11312 recommendations with respect to specific areas of unsatisfactory  
11313 performance, and provide assistance in helping to correct  
11314 deficiencies within a prescribed period of time.

11315 2.a. If the employee holds a professional service contract  
11316 as provided in s. 1012.33, the employee shall be placed on  
11317 performance probation and governed by the provisions of this  
11318 section for 90 calendar days following the receipt of the notice  
11319 of unsatisfactory performance to demonstrate corrective action.  
11320 School holidays and school vacation periods are not counted when  
11321 calculating the 90-calendar-day period. During the 90 calendar  
11322 days, the employee who holds a professional service contract  
11323 must be evaluated periodically and apprised of progress achieved  
11324 and must be provided assistance and inservice training  
11325 opportunities to help correct the noted performance  
11326 deficiencies. At any time during the 90 calendar days, the  
11327 employee who holds a professional service contract may request a  
11328 transfer to another appropriate position with a different  
11329 supervising administrator; however, a transfer does not extend  
11330 the period for correcting performance deficiencies.

11331 b. Within 14 days after the close of the 90 calendar days,  
11332 the evaluator must assess whether the performance deficiencies  
11333 have been corrected and forward a recommendation to the district  
11334 school superintendent. Within 14 days after receiving the  
11335 evaluator's recommendation, the district school superintendent  
11336 must notify the employee who holds a professional service  
11337 contract in writing whether the performance deficiencies have  
11338 been satisfactorily corrected and whether the district school  
11339 superintendent will recommend that the district school board

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11340 continue or terminate his or her employment contract. If the  
11341 employee wishes to contest the district school superintendent's  
11342 recommendation, the employee must, within 15 days after receipt  
11343 of the district school superintendent's recommendation, submit a  
11344 written request for a hearing. The hearing shall be conducted at  
11345 the district school board's election in accordance with one of  
11346 the following procedures:

11347 (I) A direct hearing conducted by the district school board  
11348 within 60 days after receipt of the written appeal. The hearing  
11349 shall be conducted in accordance with ~~the provisions of~~ ss.  
11350 120.569 and 120.57. A majority vote of the membership of the  
11351 district school board is ~~shall be~~ required to sustain the  
11352 district school superintendent's recommendation. The  
11353 determination of the district school board is ~~shall be~~ final as  
11354 to the sufficiency or insufficiency of the grounds for  
11355 termination of employment; or

11356 (II) A hearing conducted by an administrative law judge  
11357 assigned by the Division of Administrative Hearings ~~of the~~  
11358 ~~Department of Management Services~~. The hearing shall be  
11359 conducted within 60 days after receipt of the written appeal in  
11360 accordance with chapter 120. The recommendation of the  
11361 administrative law judge shall be made to the district school  
11362 board. A majority vote of the membership of the district school  
11363 board is ~~shall be~~ required to sustain or change the  
11364 administrative law judge's recommendation. The determination of  
11365 the district school board is ~~shall be~~ final as to the  
11366 sufficiency or insufficiency of the grounds for termination of  
11367 employment.

11368 Section 376. Paragraph (d) of subsection (2) of section

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11369 1012.61, Florida Statutes, is amended to read:

11370 1012.61 Sick leave.—

11371 (2) PROVISIONS GOVERNING SICK LEAVE.—The following  
11372 provisions shall govern sick leave:

11373 (d) *Expenditure authorized.*—District school boards may  
11374 expend public funds for payment to employees on account of  
11375 sickness. The expending and excluding of such funds shall be in  
11376 compliance with rules adopted by the Department of Personnel  
11377 Management ~~Services~~ pursuant to chapter 650.

11378 Section 377. Subsection (6) of section 1012.796, Florida  
11379 Statutes, is amended to read:

11380 1012.796 Complaints against teachers and administrators;  
11381 procedure; penalties.—

11382 (6) Upon the finding of probable cause, the commissioner  
11383 shall file a formal complaint and prosecute the complaint  
11384 pursuant to ~~the provisions of~~ chapter 120. An administrative law  
11385 judge shall be assigned by the Division of Administrative  
11386 Hearings ~~of the Department of Management Services~~ to hear the  
11387 complaint if there are disputed issues of material fact. The  
11388 administrative law judge shall make recommendations in  
11389 accordance with ~~the provisions of~~ subsection (7) to the  
11390 appropriate Education Practices Commission panel which shall  
11391 conduct a formal review of such recommendations and other  
11392 pertinent information and issue a final order. The commission  
11393 shall consult with its legal counsel before ~~prior to~~ issuance of  
11394 a final order.

11395 Section 378. Subsection (5) of section 1012.865, Florida  
11396 Statutes, is amended to read:

11397 1012.865 Sick leave.—Each community college board of

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11398 trustees shall adopt rules whereby any full-time employee who is  
11399 unable to perform his or her duties at the community college on  
11400 account of personal sickness, accident disability, or extended  
11401 personal illness, or because of illness or death of the  
11402 employee's father, mother, brother, sister, husband, wife,  
11403 child, or other close relative or member of the employee's own  
11404 household, and who consequently has to be absent from work shall  
11405 be granted leave of absence for sickness by the president or by  
11406 the president's designated representative. The following  
11407 provisions shall govern sick leave:

11408 (5) EXPENDITURE AUTHORIZED.—Community college boards of  
11409 trustees may expend public funds for payment to employees on  
11410 account of sickness. The expending and excluding of such funds  
11411 must comply ~~shall be in compliance~~ with rules adopted by the  
11412 Department of Personnel Management ~~Services~~ pursuant to chapter  
11413 650.

11414 Section 379. Paragraph (c) of subsection (1) of section  
11415 1012.875, Florida Statutes, is amended to read:

11416 1012.875 State Community College System Optional Retirement  
11417 Program.—Each community college may implement an optional  
11418 retirement program, if such program is established therefor  
11419 pursuant to s. 1001.64(20), under which annuity or other  
11420 contracts providing retirement and death benefits may be  
11421 purchased by, and on behalf of, eligible employees who  
11422 participate in the program, in accordance with s. 403(b) of the  
11423 Internal Revenue Code. Except as otherwise provided herein, this  
11424 retirement program, which shall be known as the State Community  
11425 College System Optional Retirement Program, may be implemented  
11426 and administered only by an individual community college or by a

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11427 consortium of community colleges.

11428 (1) As used in this section, the term:

11429 (c) "Department" means the Department of Personnel  
11430 Management ~~Services~~.

11431 Section 380. Subsection (7) of section 1013.03, Florida  
11432 Statutes, is amended to read:

11433 1013.03 Functions of the department and the Board of  
11434 Governors.—The functions of the Department of Education as it  
11435 pertains to educational facilities of school districts and  
11436 community colleges and of the Board of Governors as it pertains  
11437 to educational facilities of state universities shall include,  
11438 but not be limited to, the following:

11439 (7) Provide training, technical assistance, and building  
11440 code interpretation for requirements of the mandatory Florida  
11441 Building Code for the educational facilities construction and  
11442 capital improvement programs of the community college boards and  
11443 district school boards and, upon request, approve phase III  
11444 construction documents for remodeling, renovation, or new  
11445 construction of educational plants or ancillary facilities,  
11446 except that university boards of trustees shall approve  
11447 specifications and construction documents for their respective  
11448 institutions pursuant to guidelines of the Board of Governors.  
11449 The Department of Environmental Protection ~~Management Services~~  
11450 may, upon request, provide similar services for the Florida  
11451 School for the Deaf and the Blind and shall use the Florida  
11452 Building Code and the Florida Fire Prevention Code.

11453 Section 381. Paragraph (d) of subsection (3) of section  
11454 1013.23, Florida Statutes, is amended to read:

11455 1013.23 Energy efficiency contracting.—

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11456 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

11457 (d) Prior to the design and installation of the energy  
11458 conservation measure, the district school board, community  
11459 college board of trustees, or state university board of trustees  
11460 must obtain from the energy performance contractor a report that  
11461 discloses all costs associated with the energy conservation  
11462 measure and provides an estimate of the amount of the energy  
11463 cost savings. The report must be reviewed by ~~either~~ the  
11464 Department of Education or the Department of Financial  
11465 ~~Management~~ Services or signed and sealed by a registered  
11466 professional engineer.

11467 Section 382. Subsection (8) of section 1013.30, Florida  
11468 Statutes, is amended to read:

11469 1013.30 University campus master plans and campus  
11470 development agreements.—

11471 (8) Following receipt of a petition challenging a campus  
11472 master plan or plan amendment, the university board of trustees  
11473 must submit the petition to the Division of Administrative  
11474 Hearings ~~of the Department of Management Services~~ for assignment  
11475 to an administrative law judge under ss. 120.569 and 120.57.

11476 (a) If a party to the proceeding requests mediation, the  
11477 parties have up to ~~no more than~~ 30 days to resolve any issue in  
11478 dispute. The costs of the mediation must be borne equally by all  
11479 ~~of the~~ parties to the proceeding.

11480 (b) If the matter is not resolved within 30 days, the  
11481 administrative law judge shall proceed with a hearing under ss.  
11482 120.569 and 120.57. The hearing shall be held in the county  
11483 where the campus of the university subject to the amendment is  
11484 located. Within 60 days after receiving the petition, the

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11485 administrative law judge must, ~~consistent with the applicable~~  
11486 ~~requirements and procedures of the Administrative Procedure Act,~~  
11487 hold a hearing pursuant to chapter 120, identify the issues  
11488 remaining in dispute, prepare a record of the proceedings, and  
11489 submit a recommended order to the state land planning agency for  
11490 final action. Parties to the proceeding may submit written  
11491 exceptions to the recommended order within 10 days after the  
11492 recommended order is issued. The state land planning agency must  
11493 issue its final order within ~~no later than~~ 60 days after  
11494 receiving the recommended order.

11495 (c) The final order of the state land planning agency is  
11496 subject to judicial review as provided in s. 120.68.

11497 (d) The signature of an attorney or party constitutes a  
11498 certificate that he or she has read the pleading, motion, or  
11499 other paper and that, to the best of his or her knowledge,  
11500 information, and belief formed after reasonable inquiry, it is  
11501 not interposed for any improper purpose, such as to harass or to  
11502 cause unnecessary delay, or for economic advantage, competitive  
11503 reasons, frivolous purposes, or needless increase in the cost of  
11504 litigation. If a pleading, motion, or other paper is signed in  
11505 violation of these requirements, the division, upon motion or  
11506 its own initiative, shall impose upon ~~either~~ the person who  
11507 signed it or a represented party, or both, an appropriate  
11508 sanction, which may include an order to pay to the other party  
11509 or parties the amount of reasonable expenses incurred because of  
11510 the filing of the pleading, motion, or other paper, including  
11511 reasonable attorney's fees.

11512 Section 383. Subsection (3) of section 1013.38, Florida  
11513 Statutes, is amended to read:

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11514 1013.38 Boards to ensure that facilities comply with  
11515 building codes and life safety codes.—

11516 (3) The Department of Environmental Protection Management  
11517 ~~Services~~ may, upon request, provide facilities services for the  
11518 Florida School for the Deaf and the Blind, the Division of Blind  
11519 Services, and public broadcasting. As used in this section, the  
11520 term "facilities services" means project management, code and  
11521 design plan review, and code compliance inspection for projects  
11522 as defined in s. 287.017(1)(e).

11523 Section 384. During the 2010-2011 fiscal year, the  
11524 Department of Environmental Protection shall coordinate with all  
11525 state agencies to identify each state agency's total number of  
11526 positions and resources related to real estate leasing, as well  
11527 as facilities operations and maintenance. Agencies must submit  
11528 the information to the department no later than August 1, 2010.  
11529 By September 1, 2010, the department shall submit a plan to  
11530 centralize all real estate leasing and facilities operations and  
11531 maintenance to the Executive Office of the Governor, the  
11532 President of the Senate, and the Speaker of the House of  
11533 Representatives. Such information shall be included in each  
11534 agency's legislative budget request for the 2011-2012 fiscal  
11535 year as a transfer to the Department of Asset Management. This  
11536 section expires July 1, 2011.

11537 Section 385. Effective July 1, 2011, section 20.51, Florida  
11538 Statutes, is created to read:

11539 20.51 Department of Asset Management.—The Department of  
11540 Asset Management is created.

11541 (1) The head of the department is the Governor and Cabinet.  
11542 The Governor and Cabinet shall appoint an executive director,

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11543 subject to confirmation by the Senate, who shall serve at the  
11544 pleasure of the Governor and Cabinet.

11545 (2) The Division of Facilities is established in the  
11546 department.

11547 Section 386. Effective July 1, 2011, all powers, duties,  
11548 functions, records, offices, personnel, property, pending  
11549 issues, and existing contracts, administrative authority,  
11550 administrative rules, and unexpended balances of appropriations,  
11551 allocations, and other funds relating to the Facilities program  
11552 transferred to the Department of Environmental Protection by  
11553 section 1 of this act, and relating to the Division of  
11554 Facilities Management and Building Construction established  
11555 under s. 20.255(3)(i), Florida Statutes, are transferred to the  
11556 Department of Asset Management by a type two transfer, as  
11557 defined in s. 20.06(1), Florida Statutes.

11558 Section 387. Except as otherwise expressly provided in this  
11559 act, this act shall take effect July 1, 2010.